

*United States Court of Appeals
for the Second Circuit*



**APPELLANT'S
APPENDIX**

76-7539

IN THE
United States Court of Appeals
FOR THE SECOND CIRCUIT

B

AD' IANA SANCHES, ET AL

Plaintiff-Appellees,

v.

EDWARD MAHER, ET AL

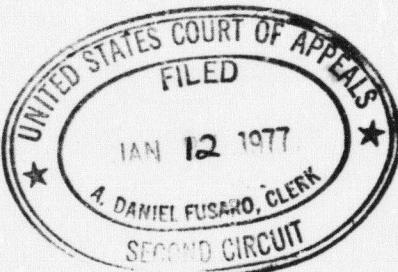
Defendant-Appellants.

ON APPEAL FROM AN ORDER OF THE
UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

APPENDIX TO BRIEF OF APPELLANT

CARL R. AJELLO
Attorney General
30 Trinity Street
Hartford, Connecticut

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Hartford, Connecticut



PAGINATION AS IN ORIGINAL COPY

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CIVIL DOCKET
UNITED STATES DISTRICT COURT

ROBERT C. ZAMPANO

Jury demand date:

D. C. Form No. 106 Rev.

Title of Case

ADRIANA SANCHEZ, MARIA BATIZ, EPIFANIA REYES, JOSEPHINA REYES, MAXIMINA RIVERA, INES ROSARIO, CARMEN AVILA, CARMEN CRUZ, on behalf of themselves and all others similarly situated

vs.

EDWARD W. MAHER — substituted
NICHOLAS NORTON, ind. and as Commissioner of Department of Welfare of the State of Connecticut,

Department of Welfare of the State of Connecticut,

Department of Health, Education and Welfare of the United States,

CASPER WEINBERGER, ind. and as Secretary of Department of Health, Education and Welfare of the United States,

NEIL FALLON, ind. and as Regional Commissioner for Region I of the Department of Health, Education and Welfare

JOHN BYNOE, ind. and as Director of the Office for Civil Rights for Region I of Department of Health, Education and Welfare

H. Stephen Halloway: (For United States Civil Rights Division, Attorney, Federal Programs Section, United States Department of Justice, Washington, D. C. 20530

Attorneys

For plaintiff:

(1) Ann C. Hill (1) Judith Berkman (2) Frank Cochran
 (2) Alice Bussiere
 New Haven Legal Assistance Association, P. O. Box 7266
 413 Howard Avenue
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Cesar A. Perales
 Puerto Rican Legal Defense & Education Fund, Inc.
 815 Second Avenue, Room 900
 New York, New York 10017

(1) Manuel del Valle, Esq.
 (2) Richard Hiller
 Puerto Rican Legal Defense & Education Fund, Inc.
 95 Madison Avenue, Room 1304
 New York, New York 10016

For defendant:

(3) Herbert Teitelbaum
 (4) Kenneth Kimerling
 (For: Nicholas Norton and Dept. of Welfare, State of Conn.)
 Robert K. Killian
 Edward F. Pasieczik
 Asst. Atty. Gen.
 Francis J. MacGregor
 Asst. Atty. Gen.
 76 Meadow Street
 East Hartford, Conn. 06108
 (For: Casper Weinberger, Secy. of H.E.W.)

DISMISSED
 Stewart H. Jones
 Peter Mear
 141 Church St.
 New Haven, Conn.
 Stephen P. Passek, Attorney
 Title VI Section, Civil Rights Division, U. S. Dept. of Justice,
 Wash., D. C. 20530

2a

Statistical Record	Costs	Date	Name or Receipt No.	Rec.	Disb.
J.S. 5 mailed	Clerk	1976 10-26	Appeal	5	00
J.S. 6 mailed	Marshal				
Basis of Action: Action brought by Spanish speaking re- cipients of public assistance pursuant to 42 USC §§ 1981, 1983 and 2000d alleging that defendants have discriminated against plaintiffs by failing to provide translators, bi- lingual personnel, documents, etc.	Docket fee				
	Witness fees				
	Depositions				

— 1973 —

4-18-73

Complaint, Motion for Permission to Proceed in Forma Pauperis and Order thereon granting same, filed and entered.

4-19-73

Summons issued and together with copies of same and of complaint, Motion and Order, handed to the Marshal for service.

4-25-73

Marshal's Return Showing Service, filed — Summons & Complaint.

Appearance of Robert K. Killian, Attorney General, and Edward F. Pasieczik, Asst. Attorney General, entered for defendants Nicholas Norton and Department of Welfare of the State of Connecticut.

5-10-73

Appearance of Francis J. MacGregor, Asst. Atty. Gen. entered for Defendants Nicholas Norton and the Dept. of Welfare, State of Conn.

Answer of Defendants, Nicholas Norton and Connecticut Welfare Dept. filed.

5-9-73

Notice Pursuant to Rule 6(h) filed by Plaintiff.

6-18-73

Motion for Hearing on Plaintiffs' Motion for a Preliminary Injunction and Affidavit in Support of Motion, filed by Plaintiffs.

6-19-73

Plaintiffs' First Request for Production of Documents, filed.

Notice to take Deposition of Nicholas Norton on June 26, 1973, filed by plaintiffs.

6-25-73

Hearing on Plaintiff's Motion for a Preliminary Injunction. "Over to 9-17-73 at 2:00 P.M. (chambers conference)" Zampano, J. M-6-25-73.

7-12-73

Objection to Production, filed by Defendant, Nicholas Norton.

7-31-73

Defendants' Motion for Interrogatories, filed.

8-17-73

Plaintiffs' Answers to Interrogatories of Defendant Nicholas Norton, filed.

9-17-73

Plaintiff's Motion for a Preliminary Injunction and Pre-Trial Conference held in chambers. Zampano, J. M-9-18-73.

9-20-73

Defendants' Motion for Interrogatories, filed.

Defendants' Motion for Production, filed.

9-27-73

Stipulation filed between parties that defendant Nicholas Norton shall not hire certain categories of employees (see stipulation) until October 10, 1973. Order entered thereon approving same. Zampano, J. M-9-27-73. Copies mailed to all counsel.

9-28-73

Appearance of Stewart H. Jones, U. S. Atty. and Peter Mear, Asst. U. S. Atty. entered for defendant Casper Weinberger, Secy. of Dept. of Health, Education & Welfare.

10-3-73

Motion to Dismiss, Notice of Motion and Memorandum in Support of Motion, filed by defendant Nicholas Norton.

10-9-73

Appendix to Complaint, filed by Plaintiff.

10-10-73

At the call of Judge Zampano's Jury Assignment List at New Haven "Ready-Case No. 2" M-10-11-73.

10-24-73

Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss, filed.

10-30-73

Request to Enter Default of Defendants Casper Weinberger, Neil Fallon and John Bynoe for failure to plead or otherwise defend, filed by Plaintiffs. Default entered under Rule 55(a). Markowski, C. M-10-30-73. Copies mailed to all counsel and to Defendants Fallon and Bynoe.

10-31-73

Memorandum of HEW in Response to State Defendants' Motion to Dismiss, filed.

11-1-73

Defendant HEW's Answers to Interrogatories of Defendant Nicholas Norton, filed.

Defendant HEW's Response to State Defendant's Motion for Production of Documents, filed.

11-2-73

Answer of the defendants, Casper Weinberger, Neil Fallon, John Bynoe and the Department of HEW, filed.

11-2-73

Placed on Trial List.

11-5-73

Hearing on Defendant's (Nicholas Norton) Motion to Dismiss. Decision Reserved. Zampano, J. M-11-6-73.

11-16-73

Plaintiffs' Memorandum on Issues, Facts and Remedies, filed. (RC 2)

Plaintiffs' First Set of Interrogatories and Second Request for Production of Documents, filed. (RC 2)

First Request for Production of Documents, filed by defendant, H.E.W. (RC 2)

Interrogatories of Federal Defendants to Defendants Nicholas Norton, ind. and as Commissioner of Dept. of Welfare, State of Conn. and the Department of Welfare of the State of Conn., filed. (RC 2)

11-21-73

Stipulation filed that the default entered against the

defendants Casper Weinberger, Neil Fallon and John Bynoe on October 30, 1973, may be set aside and said defendants, having answered, may fully participate in the trial of the issues. So Ordered. Zampano, J. M-11-21-73. Copies mailed.

11-28-73

Hearing on Defendants' Objection to Discovery. Court grants Discovery for reasons stated in open Court. Order to be submitted by Counsel. Zampano, J. M-11-28-73

11-29-73

Order Regarding Discovery of Connecticut Welfare Department Documents, filed. Zampano, J. M-11-29-73. Copies mailed.

12-26-73

Court Trial scheduled for Jan. 2, 1974 "Over until counsel agree on new date" Zampano, J. M-12-26-73

— 1974 —

1-7-74

Defendant Norton's Answers to Plaintiffs' First Set of Interrogatories, filed.

1-16-74

Answers to Interrogatories of Federal Defendants, filed by defendant Nicholas Norton.

1-9-74

Copy of letter from Attorney General MacGregor to Atty. Stuart R. Abelson, citing corrections in Defendant Norton's Answers to Plaintiffs' First Set of Interrogatories and Exhibit "DD-1", filed.

2-4-74

Motion Requiring the Co-Defendants Casper Weinberger, Neil Fallon and John Bynoe to Produce Documents, filed by defendant Nicholas Norton.

Motion for Interrogatories Directed Against the Co-Defendants Casper Weinberger, Neil Fallon and John Bynoe, filed by defendant Nicholas Norton.

2-19-74

Marshal's Return Showing Service, filed. Deposition Subpoena — Edward H. Simpson, Commissioner.

3-4-74

HEW's Response to Defendant Norton's Rule 34 Request, filed.

3-18-74

Defendant HEW's Answers to the Interrogatories of Defendant Nicholas Norton, filed.

Motion for Order Compelling Entry Upon Land for Inspection and Memorandum in Support of Motion, filed defendant Department of Health, Education and Welfare.

3-19-74

Hearing on Motion to Compel Discovery. Atty. Malcolm Logan, Dept. of Justice, Washington, D. C., permitted to argue this motion, upon oral motion of Asst. U.S. Atty. Mears. Motion granted only to the extent that Court will allow 2 persons, selected by H.E.W. to make a study and observation for one week of the Welfare offices at Hartford (3 days) and Bridgeport (2 days); Report to be made to the Court at the end of 1 week. Decision Reserved. Zampano, J. M-3-19-74

3-20-74

Court Reporter's Notes of March 19, 1974, filed.
Russell, R.

3-25-74

Order endorsed on Defendant's Motion for Order Compelling Entry Upon Land for Inspection, as follows: "This

motion granted only to the extent that the Court will allow 2 persons, selected by H.E.W., to make a study and observation for one week of the Welfare offices at Hartford (3 days) and Bridgeport (2 days); report to the Court at the end of week selected for study and observation." Zampano, J. M-3-26-74. Copies mailed.

4-15-74

Depositions of Cecelia Alvarado; Beulah Atkins; Harold Bennett; Irvin E. Bernstein; Henry Boyle; Mary Boyle; Sue Ellen Boyle; John Robert Caruso; Jean Chittenden; Annie Christy; Allan Edward Cooper; Elizabeth Crawford; Francis Daddona; Joann Diglio; John Ely; Lucy Foster; Lillian B. Frew; Bessie Handleman; John F. Harder; John Holmes; Daniel Francis Kraft; Vincent J. Lesunaitis; Harold Logan; Juana Lucena; Grace Markman; Ernestyne Martin; Cecil F. McCarthy; Patricia McCarthy; Marie-Anne McGauley; Thomas Joseph Meehan; Daphne Emilia Morales; James Morrison; Thomas F. Murray; Peter Stephen Mihaly; Lionel Nadeau; Nicholas Norton; Nicholas Norton; Corline Packard; Aldean Painter; Francis J. Ritchie; Edward H. Simpson; Gloria Suarez; Edith Vasquez, filed. 43 Envelopes.

4-19-74

Plaintiffs' List of Proposed Witnesses, filed.

Plaintiffs' Second Set of Interrogatories to Defendants Norton and Department of Welfare, filed.

4-22-74

Defendant H.E.W. Deposition Exhibits for Identification Marked from January 8, 1974 through January 18, 1974, filed.

4-26-74

Motion to Preclude Witnesses and Limit the Number of Expert Witnesses at the Time of Trial, Notice of Motion and

Memorandum of Law in Support of Motion, filed by defendant Nicholas Norton.

5-1-74

Affidavit in Response to Defendant, Nicholas Norton's Motion to Preclude and Limit Witnesses at Time of Trial, filed by plaintiffs.

5-3-74

Plaintiffs' Memorandum in Opposition to Defendant Norton's Motion to Preclude Witnesses and Limit the Number of Expert Witnesses at the time of Trial, filed.

5-17-74

Motion to Extend Time to Answer Interrogatories, filed by defendants.

5-28-74

Defendants' Motion to Extend Time to Answer Interrogatories, endorsed as follows: "Motion granted, absent objection." Zampano, J. M-5-28-74. Copies mailed.

6-3-74

Ruling on State Defendants' Motion to Dismiss, entered. The defendants' Motion to Dismiss is denied. Zampano, J. M-6-4-74. Copies mailed.

6-10-74

Answers to the Plaintiff's Second Set of Interrgatories, filed by defendant Nicholas Norton.

Stipulation re the hiring of various types of workers, etc., filed. Order entered thereon as follows: "Absent objection; the stipulation is approved." Zampano, J. M-6-10-74. Copies mailed. M-7-10-74.

7-9-74

Summaries of Testimony of Plaintiffs' Proposed Witnesses

Who are Spanish-Speaking Clients of the State Welfare Department, filed.

7-11-74

Stipulation dismissing federal defendants, Department of Health, Education and Welfare, Casper Weinberger, Neil Fallon and John Bynoe, filed. Order entered thereon approving same. Zamparo, J. M-7-11-74. Copies mailed.

Order dismissing federal defendants entered. Zamparo, J. M-7-11-74. Copies mailed.

7-18-74

Deposition of Vincent J. Amodeo, filed.

Deposition of William Kalvaitis, filed.

Deposition of Carolyne Perry, filed.

9-24-74

Memorandum of Law in Support of Plaintiffs' Motion to Compel Discovery Pursuant to Rule 37 of FRCP, filed.

Motion for an Order Compelling Answers to Interrogatories, Notice of Motion and Affidavit of Richard J. Hiller, filed by plaintiffs.

9-26-74

First Amendment to Plaintiffs' List of Proposed Witnesses, filed.

10-3-74

Memorandum in Opposition to the Plaintiffs' Motion Compelling Answers to Interrogatories, filed by defendant Nicholas Norton.

12-23-74

Appearance of Judith Berkman entered for plaintiffs.

— 1975 —

1-14-75

Deposition of Vincent B. Capuano, filed.

Deposition of Theresa Connell, filed.

2-5-75

Ruling on Plaintiffs' Motion to Compel Discovery, entered.
(See Ruling for details) Zampano, J. M-2-5-75. Copies mailed.

3-17-75

Defendant, Nicholas Norton's, Answers in compliance
with Ruling on Plaintiffs' Motion to Compel Discovery, filed.

4-15-75

Answer To Motion For Production, filed by defendants.

8-29-75

Plaintiff's Motion to Reinstate Casper Weinberger, Neil
Fallon, and John Bynoe as Party Defendants filed.

9-4-75

Appearance on behalf of the plaintiffs filed by Manuel
Del Valle, Esq.

Appearance on behalf of the plaintiffs filed by Richard
J. Hiller, Esq.

9-15-75

Memorandum of HEW in Opposition To Motion of Plain-
tiffs to Reinstate Casper Weinberger, Neil Fallon, and John
Bynoe as Party Defendants filed.

9-22-75

Notice of Appearance of Herbert Teitelbaum, Richard J.
Hiller, Manuel del Valle, Kenneth Kimerling of the Puerto
Rican Legal Defense and Education Fund, Inc., as co-counsel

12a

for the plaintiffs, filed. So Ordered. Zampano, J. M-9-22-75.
Copies mailed.

9-25-75

Affidavit in Reply to Defendants' Memorandum in Opposition to the Motion of Plaintiffs to Reinstate Casper Weinberger, Neil Fallon, and John Bynoe as Party Defendants, filed.

10-14-75

Endorsement entered on Attorney Halloway's Letter of October 6, 1975 entering his appearance in lieu of Attorneys Stephen P. Passek and Albert J. Alerid for the United States as follows: "So Ordered" (Zampano, U.S.D.J.) M-10-14-75.
Copies Mailed.

11-12-75

Hearing held on plaintiffs' motion to reinstate Casper Weinberger, Neil Fallon and John Bynoe as Party Defendants. "Motion held in Abeyance". Note: 1-5-76 @ 2:00 P.M. Informal Chancery Conference to be held. (Zampano, U.S.D.J.) M-11-12-3.

Court Reporter's Notes of proceedings held before (Zampano, J.) on 11-12-75 at New Haven filed. (Russell, R.)

12-30-75

Court Reporter's Transcript of Proceedings of November 12, 1975, filed. Russell, R.

— 1976 —

1-5-76

Additional Response of HEW To Motion of Plaintiffs Dated August 27, 1975 to Reinstate HEW, Et Al., As Party Defendants For A Limited Purpose filed.

Order entered. Pursuant to the motion of plaintiffs dated 8-27-75, without objection, the Department of Health, Edu-

cation and Welfare, et al are reinstated as Federal Defendants in this action for the limited purpose of seeking Court enforcement of the stipulation between the Federal Defendants and the Connecticut Welfare Department previously approved without objection, by this Court on 6-3-74. "So Ordered" (Zampano, U.S.D.J.) M-1-6-76. Copies Mailed.

1-19-76

Motion of Defendant HEW to enforce stipulation of proposed Order filed.

Memorandum Of HEW In Support of Motion to Enforce Stipulation of proposed Order filed, by Defendant.

1-21-76

Notice of Motion re: enforcement between HEW and CWD filed by plaintiff.

Affidavit of Richard J Hiller filed by plaintiff.

Plaintiffs' Memorandum Of Law In Support of Their Motion To Enforce the Stipulation Enter Into Between HEW and CWD filed.

1-21-76

Affidavits of Yasha Escalera, Jose Negron and Gladys Velez, filed.

1-20-76

The Defendant's CWD, Memorandum Of Law In Opposition to the Defendant HEW And The Plaintiff's Claim For Injunctive Relief Enforcing a Stipulation Filed with The Court on June 10, 1974 filed.

2-11-76

Motion To Substitute Edward W. Maher as Defendant For the Defendant Nicholas Norton filed.

The Defendant, Edward W. Maher's Second Request For Interrogatories Against the Defendant's Casper Weinberger, David Matthews, Neil Fallon and the Department of Health, Education and Welfare filed.

Motion For Production filed by defendant, Edward W. Maher.

2-13-76

Motion Defendant HEW to Permit Submission of Evidence filed.

Reply of Defendant HEW To Defendant CWD's January 27, 1976 Memorandum of Law In Opposition To The Defendant HEW and the Plaintiff's Motion to Enforce Stipulation filed.

Endorsement entered on Defendant's motion to Substitute Edward W. Maher as defendant for the defendant Nicholas Norton as follows: "Motion Granted". (Newman, U.S.D.J.) M-2-13-76. Copies Mailed.

3-1-76

Defendant HEW's Objection To Defendant CWD's Second Request For Interrogatories and Motion For Production filed.

3-5-76

Motion for Leave to Amend Ad Damnum, filed by Plaintiff.

Plaintiff's Memorandum in Support of Motion for Leave to Amend Ad Damnum, filed.

3-29-76

Plaintiff's Motion to Enforce Stipulation marked "over" to April 19, 1976 at 10:30 A.M. (Zampano, J.) M-3-16-76.

3-19-76

Enforcement entered on Motion of Defendant HEW to Permit Submission of Evidence as follows: "Granted, Zampano, J. M-3-19-76. Copies Mailed to counsel of record.

3-24-76

Notice of Hearing on defendant's motion to compel discovery filed.

The Defendant, Nicholas Norton's, Motion to compel the defendant, HEW to answer interrogatories and produce documents filed.

The defendant, Nicholas Norton's, Memorandum of Law In Support of his motion to compel discovery filed.

3-30-76

Plaintiffs' Response in Opposition to the Defendant's Motion to Compel Discovery filed.

4-1-76

Motion For A Protective Order filed by U.S.A. on behalf of HEW.

Memorandum In Support of Defendant HEW's Motion for A Protective Order filed.

4-13-76

Designation of Witnesses filed by plaintiffs.

4-19-76

Marshals return of service filed. (4 subpoenas to produce documents).

Hearing held on Plaintiff's Motion to Enforce Stipulation; Counsel of record present; Attorneys Hiller and Halloway; Defendants' exhibit #5 marked for identification; Defendants' exhibits A, B, 1, 2, 3, 4, 6, & 7 filed; Three witnesses sworn

and testified on behalf of defendant; Hearing continued to Tuesday 4-27-76 at 10:30 A.M. (Zampano, J.) M-4-21-76.

4-27-76

CONTINUED HEARING on Plaintiff's Motion To Enforce stipulation: Plaintiff's exhibits 1 & 2 filed; defendant's exhibits 5, 8-16 filed; defendant, Norton's exhibits C & D filed, and E marked for identification; Two witnesses sworn and testified on behalf of defendant, Norton; (1) Court witness sworn and testified; Court states for the record its findings; H.E.W. to prepare Order for the Courts' Approval; Court Adjourned at 4:45 (Zampano, J.) M-4-28-76.

9-2-76

Order entered. (Order entered after evidentiary hearing on the merits as to whether the HEW-CWD stipulation should be enforced by further order of this Court). See Order for details. Zampano, J. M-9-2-76. Copies mailed.

10-21-76

Court Reporter's Notes of Proceedings of April 19, 1976, filed. Gale, R.

10-26-76

Notice of Appeal, filed by Defendant, Edward Maher. Copies mailed. Copy to U.S.C.A. with copy of Docket Entries.

10-28-76

Appearance of Alice Bussiere entered for plaintiffs in place of Judith Berkan.

11-2-76

Court Reporter's Transcript of Proceedings of April 19, 1976, filed. Gale, R.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT
CIVIL ACTION NO.

ADRIANA SANCHEZ, MARIA BATIZ, EPIFANIA REYES,
JOSEPHINA REYES, MAXIMINA RIVERA, INES
ROSARIO, CARMEN AVILA, CARMEN CRUZ, on behalf
of themselves and all other similarly situated,

Plaintiffs,

— *against* —

NICHOLAS NORTON, individually and as Commissioner of
Department of Welfare of the State of Connecticut,
Department of Welfare of the State of Connecticut,
Department of Health, Education and Welfare of the United
States,

CASPER WEINBERGER, individually and as Secretary of
Department of Health, Education and Welfare of the United
States,

NEIL FALLON, individually and as Regional Commissioner
for Region I of the Department of Health, Education and
Welfare,

JOHN BYNOE, individually and as Director of the Office for
Civil Rights for Region I of Department of Health, Education
and Welfare,

Defendants.

COMPLAINT CLASS ACTION

Plaintiffs, by their attorneys, respectfully allege as
follows:

PRELIMINARY STATEMENT

1. Plaintiffs and the class they represent seek declaratory and injunctive relief against defendants for violations of their rights under the Civil Rights Acts and the Fifth and Fourteenth Amendment to the Constitution of the United States.

2. Plaintiffs are Puerto Ricans and other Spanish speaking persons receiving or eligible to receive the benefits of public assistance programs in the State of Connecticut who speak English with substantial difficulty or not at all. The rights of plaintiffs have been violated in that defendants have failed to comply with regulations designed to protect their constitutional and statutory rights. The violations complained of include, but are not limited to the following: the failure of the defendants to provide programs, benefits and services to Puerto Rican and other Spanish speaking persons on an equal basis with English speaking persons; the failure of defendants to recruit and employ sufficient Puerto Rican or Spanish speaking personnel in the Department of Welfare of the State of Connecticut; the failure of defendants to print and provide bilingual (Spanish and English) applications, forms and documents and other communications for use or receipt participants in by public assistance programs administered by the Department of Welfare of the State of Connecticut; the failure of defendants to provide bilingual communications for Spanish speaking Welfare recipients apprising plaintiffs of the benefits and privileges available to them under the public assistance programs administered by the State of Connecticut.

JURISDICTION

3. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1343 (3) and (4). Plaintiffs' action for declaratory relief is authorized by 28 U.S.C. §§ 2201, 2202.

4. This action arises under 42 U.S.C. §§ 1981, 1983, 2000d and the Fifth and Fourteenth Amendments to the United States Constitution.

CLASS ACTION ALLEGATIONS

5. Plaintiffs bring this action on their own behalf and as a class pursuant to Rule 23 (a) and (b)(1) and (2) of the Federal Rules of Civil Procedure.

6. The members of the class are Puerto Rican and other Spanish speaking persons who speak English with substantial difficulty or not at all, and who have been, are or will be eligible for one of the following public assistance programs: aid to family with dependent children (AFDC), old-age assistance, aid to the blind, aid for the permanently and totally disabled, food stamps, and Title 19 medicaid.

7. The class is so numerous that joinder of all members is impractical. The potential members of the class number over 10,000 persons. There are questions of law and fact common to the class. The claims of the plaintiffs are typical of the claims of the class. The plaintiffs will fairly and adequately protect the interests of the class.

8. The prosecution of separate actions by individual members of the class would create a risk of:

a. inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the parties involved or;

b. adjudications with respect to individual members of a class which would, as a practical matter, be dispositive of the interests of other members not parties to the adjudications or substantially impair or impede their ability to protect their interests.

9. The defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

PLAINTIFFS

10. Plaintiff, Adriana Sanchez, was born in Puerto Rico, and resides in New Haven, Connecticut, with her husband and three children. She is a recipient of public assistance in the AFDC-IF category and does not speak, read, write or understand English. Plaintiff has been unable to communicate with the Department of Welfare (Department) because of the lack of bilingual personnel and the Department's failure to use bilingual communications. Plaintiff has also been deprived of benefits because of the absence of bilingual social workers.

11. Plaintiff Maria Batiz, was born in Puerto Rico, and resides in New Haven, Connecticut, with her four children. She is a recipient of public assistance in the AFDC category and does not speak, read, write or understand English. Plaintiff has been deprived benefits because of the unavailability of bilingual social workers and the inability of the Department to communicate to her in Spanish. Plaintiff has never spoken to a bilingual social worker.

12. Plaintiff Epifania Reyes, was born in Puerto Rico, and resides in New Haven, Connecticut, with her granddaughter. She is a recipient of public assistance in the AFDC category and does not speak, read, write or understand English. She has never received a communication from the Department in Spanish and has been unable to communicate with them because of her inability to speak English. She has never spoken to a bilingual social worker, and has never been provided with an interpreter at a fair hearing.

13. Plaintiff, Josefina Reyes, was born in Puerto Rico and resides in New Haven, Connecticut, with her four children and her niece. She is a recipient of public assistance in the AFDC category and does not speak, read, write or understand English. She has never spoken to a bilingual social worker, and has been unable to receive counseling concerning medical problems because of the absence of bilingual personnel.

14. Plaintiff, Maximina Rivera, was born in Puerto Rico and resides in New Haven, Connecticut, with her seven children. She is a recipient of public assistance in the AFDC category and does not speak, read, write or understand English. She has been deprived of benefits because of the absence of bilingual social workers and is required to wait long periods of time for an interpreter. All notices and letters she receives from the Department are in English.

15. Ines Rosario, was born in Puerto Rico and resides in New Haven, Connecticut. She is a recipient of public assistance in the Aid-to-Disabled category and does not speak, read, write or understand English. She has been required to wait long periods of time for an interpreter and has never spoken to a bilingual social worker. All communications received by her from the Department are in English.

16. Plaintiff, Carmen Avila, born in Puerto Rico and resides in New Haven, Connecticut with her five children. She is a recipient of public assistance in the AFDC category and speaks English with substantial difficulty but can neither read nor write English. She has never spoken to a bilingual social worker and has been deprived of benefits because of her inability to communicate with the Department's personnel.

17. Plaintiff, Carmen Cruz, was born in Puerto Rico and resides in New Haven, Connecticut, with her four children. She is a recipient of public assistance in the AFDC category and speaks and reads English with substantial difficulty but

does not write English. She has never spoken to a bilingual social worker and has been unaware of the benefits available to her under the public assistance program because of her inability to communicate with the Department's personnel.

DEFENDANTS

18. Defendant, the Department of Health, Education and Welfare of the United States (hereinafter "HEW"), is an agency of the United States government. Pursuant to the Social Security Act of 1935, 42 U.S.C. 401 *et seq.* as amended, HEW is charged with the overall responsibility for administering and financing public assistance programs in Connecticut in accordance with the rules and regulations governing its mandate. Thus, defendant HEW implements and enforces the provisions of the Social Security Act and reviews the performance of State and local social service agencies charged with the delivery of benefits and services to eligible persons. Defendant Casper Weinberg is the Secretary of defendant HEW.

19. Defendant, Neil Fallon is the Regional Commissioner for Region I of HEW, which region includes the State of Connecticut. In this capacity he is charged with insuring that federally funded public assistance programs are administered in accordance with applicable federal statutes and regulations.

20. Defendant, John Bynoe is the Director of the Office for Civil Rights for Region I of HEW. Defendant Bynoe is charged with the responsibility of insuring that HEW and the State and local agencies which administer federally funded public assistance programs operate in compliance with the equal rights provision of the Civil Rights Act of 1964, 42 U.S.C. 2000d.

21. Defendant, Department of Welfare of the State of Connecticut (hereinafter the "Department"), is an agency of

the State of Connecticut. Pursuant to Title 17 of the Connecticut General Statutes Annotated (hereinafter "CGSA"), the Department is charged with the overall responsibility of administering and operating the federally funded public assistance programs in the State of Connecticut. Defendant Nicholas Norton is the Commissioner of the Department.

22. Defendants are sued individually and in their official capacities. All successors of the defendant are also sued individually and in their official capacities.

FACTUAL ALLEGATIONS

23. Defendant Department administers a public assistance program for over 50,000 cases in the State of Connecticut. Of that number over 7,000 cases or 14% involve persons of Puerto Rican or other Hispanic descent. These recipients suffer from economic deprivation and inadequate housing, medical care and transportation. These conditions are compounded for the Puerto Rican or Spanish speaking recipient by the fact that many of them are poorly educated and speak English with extreme difficulty, or not at all.

24. Because of these conditions, their needs for services and benefits under the public assistance program is acute. That need includes both income maintenance and services provided by defendant Department: e.g., employment, counseling, job training referral, household budget and money management assistance, food and nutritional advice, medical assistance and advice, transportation, marital counseling and assistance with children's problems including school difficulties, and day care center placement.

25. Since these services are intended to help indigent persons break the cycle of poverty, achieve independence and self-reliance and cease dependence on income maintenance programs, full and equal access to such services as well as

income maintenance programs, is vital to Connecticut's Puerto Ricans and other Hispanics.

26. Despite the acute and overwhelming need of Connecticut's low income Puerto Rican population for income maintenance and other social service programs, and despite the Department's knowledge of those needs, the Department has failed to provide those services to Puerto Rican and other Hispanics on an equal basis or in the same manner and to the same extent that said services are provided to English speaking persons.

27. This inequality in treatment is due to the Department's failure to employ sufficient Puerto Rican personnel who speak Spanish and are trained in, and understand the Puerto Rican culture.

28. Defendant Department has failed and continues to fail to employ such personnel in numbers sufficient to meet the demand for services to eligible Puerto Ricans in the State of Connecticut.

29. Presently there are approximately 50,000 cases in the State of Connecticut in the adult and AFDC categories. Of that number, approximately 7,384 cases involve Spanish speaking families. This figure does not take into consideration the actual numbers of persons in these families.

30. In 1972, there were approximately 33 Spanish speaking employees in the Department, out of a total employee population of 1,850.

31. Based on these figures there is approximately one (1) English speaking Department employee for every twenty-four (24) English speaking recipients while there is only one (1) Spanish speaking employee for every two hundred thirty (230) Spanish speaking recipients.

32. As more fully alleged herein, in 1972 defendant HEW itself found evidence of discrimination in the Department of Welfare. The Department was found to be discriminating against Spanish speaking recipients by failure to employ sufficient bilingual staff and by failure to provide bilingual forms and communications for Spanish speaking recipients. Notwithstanding this finding, no corrective action was taken by either HEW or the Department thereby forcing plaintiffs and their class to seek judicial relief.

33. These failures on the part of the Department result in the following practices, all of which regularly and continuously occur and are known or should be known to the Department and to all defendants.

A. In the initial application process for public assistance benefits, Spanish speaking recipients are placed at a disadvantage because the application forms are in English only, most intake workers speak English only, and there is an insufficient number of Spanish interpreters to assist Spanish speaking applicants. The failure of the Department to provide Spanish speaking intake workers and more interpreters, who can explain the application process to Spanish speaking applicants, cause these applicants inconvenience and delay in making their applications and having them processed and approved and discourages others from even applying.

B. Spanish speaking recipients are not given any written explanation in Spanish by the Department of their rights and obligations under public assistance programs including their right to a fair hearing when aggrieved by the Department and their obligation to report changes in income or eligibility status. As a result recipients often suffer loss of benefits and are penalized for the Department's failure to inform them of their duties.

C. Most departmental notices, forms and letters are in English only. Some of these notices require immediate response which Spanish speaking persons cannot give unless they find some one who understands English to help them. If they cannot find someone to explain the notice or call the Department, they must go personally to the Welfare office. Even after going through the considerable inconvenience, delay and expense of going to the Welfare office to have a notice translated, the Spanish speaking recipient may find that the notice is unimportant or unnecessary.

D. Likewise, Spanish speaking recipients who have problems or question concerning their welfare status must often travel personally to a distant welfare office at their own expense. Since there are no Spanish speaking telephone operators, routine problems cannot be resolved by a mere telephone call which often results in loss of benefits to the recipients because of wrongful action or inaction on the part of the welfare office.

E. When Spanish speaking recipients appear personally at the Department, they do not receive treatment equal to that of English speaking recipients, because of the State Welfare Department's lack of Spanish speaking personnel. First, they do not enjoy a confidential relationship with their social workers, because in most instances, there must be a third party to translate. Second, they often must wait hours at the welfare office before an interpreter is available to translate for them, or they are sent away from the office and told to return another day. In order to avoid the wait at the office, Spanish speaking recipients are forced to find their own interpreter — in some cases they are instructed to do this by their welfare office. Third, when Spanish speaking recipients must speak with a welfare worker about a pressing problem, and there are no interpreters present or the interpreter present is not competent. The recipients are often misunderstood,

their requests are ignored or their awards are reduced or terminated without any clear understanding on the part of the recipients.

F. The fact that Spanish speaking recipients must make frequent trips to their welfare offices, because of the lack of Spanish speaking welfare personnel, also placed an undue burden on the recipients' family and friends, as well as on other private agencies. Or young children are left alone in their apartments for several hours, while their mothers wait at the welfare office. Children are also called upon to translate welfare notices and letters and to call welfare or accompany their parents to the welfare office, even though they have little or no understanding of the welfare system.

G. Because of the Department's lack of Spanish speaking personnel and failure to send written notices and letters in Spanish, there is no effective, ongoing communication between the Department and its Spanish speaking recipients. Thus, this group of recipients is the least informed of special programs offered by the Department and of social services which are available to them, and in some instances, must be provided by the Department. As a result, Spanish speaking recipients are effectively excluded from such programs as work training programs or budgeting classes, because they are not told of these programs, or because there are insufficient Spanish speaking personnel to involve them in these programs.

H. The need of Spanish speaking recipients for particular social services, such as homemaker services or special educational programs for their children, is effectively overlooked or ignored because of the lack of Spanish speaking social workers to identify the need and to work closely with the recipients to meet the need.

I. Spanish speaking recipients are often unaware of their right to a fair hearing to challenge the Department's

actions. Even those recipients who are aware of their right to a fair hearing are prevented from effectively exercising this right because once at the fair hearing, they find there is either no interpreter or they must bring one of their own. Failure to bring an interpreter usually results in no fair hearing. Hence, Spanish speaking recipients are effectively denied their right to a fair hearing — rights which are guaranteed to all other recipients of public assistance.

DUTIES OF DEFENDANTS

34. Each of the defendants jointly and severally are bound by the following statutes and regulations.

35. Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d provides:

No person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

36. Federal regulations 40 C.F.R. 80 *et seq.* promulgated by defendant HEW provide in part that defendant Department:

. . . may not, directly or through contractual or other other arrangements, on grounds of race, color or national origin:

(i) Deny an individual any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;

- (iii) Subject an individual to segregation or separate treatment in any manner related to his receipt of any service, financial aid, or other benefit under the program;
- (iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
- (v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- (vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program (including the opportunity to participate in the program as an employee but only to the extent set forth in paragraph (c) of this section). 45 C.F.R. § 80.3 (b)(1).

37. The regulations further provide that the agencies covered, including defendant Department must utilize methods of administration designed to deliver benefits on an equal basis to ethnic minorities.

A recipient [such as Department] in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of individuals to whom, or the situations in which such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of individuals to be afforded an opportunity to participate in any such program, may not, directly or through con-

tractual or other arrangement, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin. 45 C.F.R. § 80.3 (b)(2)

38. Title 17 Connecticut General Statutes Annotated § 11 requires that the Welfare Commissioner (Defendant Norton herein) conform to the federal requirements including laws and regulations which are conditions precedent to the receipt of federal matching grants.

39. Pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and 45 C.F.R. 80.4, defendant Department signed an Assurance of Compliance (Form W-209) whereby said Department agreed to provide services to recipients in accordance with the regulations of defendant HEW and promised that there would be no discrimination with regard to race, color or national origin toward any state welfare recipient.

FIRST CLAIM FOR RELIEF

40. Plaintiffs reallege paragraphs one through thirty-nine.

41. By reason of the actions and inactions of the defendants, and as a natural consequence thereof, plaintiffs and the class they represent have been excluded from participation in, have been denied the benefits of and have been subjected to discrimination on the grounds of race, color, or national origin in violation of the Social Security Act and the regulations promulgated thereunder and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and 45 C.F.R. 80 *et seq.*

42. Defendants have either directly or through contractual or other arrangements utilized criteria or methods of administration which have had and continue to have the effect of subjecting plaintiffs and the class they represent to discrimination because of their race, color or national origin and which have the effect of defeating the objectives of the Social Security Act and the regulations promulgated thereunder.

43. On or about April 10, 1972, a complaint was submitted to defendant HEW. A copy of that complaint is attached hereto as Exhibit I.

44. In that complaint the defendants were fully apprised of the wrongs contained in paragraphs one through forty-three herein.

45. Since the filing of the complaint, defendants have failed to take positive action to remedy the conditions alleged in the complaint, except that on or about November 9, 1972, defendant Fallon through his deputy, Joseph P. Mirabella issued a letter addressed to defendant Department and the former Commissioner of said Department Henry C. White. A copy of that letter is annexed hereto as Exhibit II.

46. According to the letter, it was "suggested that the State Welfare Department [defendant Department] is in probably non-compliance with Title VI of the Civil Rights Act of 1964".

47. Further in the letter defendant Department was requested to correct the "deficiencies identified" within thirty (30) days of the letter. As of the date of this complaint the deficiencies noted in the letter have not been corrected.

48. On information and belief, no action has been taken or reported to defendant Fallon by defendant Department or defendant Norton correcting the deficiencies as requested by the letter of November 9th.

49. Defendants HEW, Weinberger, Fallon and Bynoe have failed to take any further action to protect the rights of plaintiffs and the class they represent and/or to remedy the conditions referred to in the administrative complaint, adopted and referred to in defendant HEW's letter of November 9, 1972.

50. The actions and/or inactions of the defendants deprived the plaintiffs and the class they represent of their rights and privileges secured by Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d.

SECOND CLAIM FOR RELIEF

51. Plaintiffs reallege paragraphs one through fifty.

52. The actions and inactions of all of the defendants acting under color of law and regulation deprived the plaintiffs and the class they represent of privileges and immunities, due process and equal protection of the laws secured by the Fifth and Fourteenth Amendments to the Constitution of the United States and the Social Security Act and the regulations promulgated thereunder and the Civil Rights Acts, 42 U.S.C. 1981 and 1983.

53. All of the violations alleged above took place without any action on the part of the plaintiffs contributing thereto.

54. The deprivation of rights of the plaintiffs and the class they represent was a natural consequence of the actions and/or inactions of the defendants.

THIRD CLAIM FOR RELIEF

55. Plaintiffs reallege paragraphs one through fifty-four.

56. Defendant Norton acting on behalf of defendant Department entered into a statutory contract with defendants HEW, Weinberger, Fallon and Bynoe whereby defendants Department and Norton agreed to comply with the provisions of

the Social Security Act and the regulations promulgated thereunder and with Title VI of the Civil Rights Act of 1964 and the regulations promulgated thereunder as a condition for federal funding of defendant Department in the administration of the federal public assistance programs.

57. The plaintiffs and the class they represent are the third party beneficiaries of that contract in that the statute and the regulations were passed in order to benefit the plaintiffs and other public recipients and eligibles by establishing a plan for the administration of public assistance equally and without discrimination. The defendants jointly and severally by failing to insure compliance with the Social Security Act and its regulations and the Civil Rights Act and the regulations promulgated thereunder as alleged above have breached their duties under the statutory contract to the plaintiffs and the class they represent.

IRREPARABLE INJURY

58. Plaintiffs have no adequate remedy at law. Plaintiffs have suffered and will continue to suffer irreparable injury as a result of defendants' discriminatory practices unless and until the relief demanded in this complaint is granted.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs on behalf of themselves and all others similarly situated respectfully pray that this Court:

1. Enter a declaratory judgment declaring that plaintiffs have been and now are excluded from participation in, denied the benefits of, and subjected to discrimination under the public assistance programs of the State of Connecticut, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and the regulations promulgated thereunder, by the failure of defendants to employ

sufficient numbers of Spanish speaking personnel in the Department of Welfare of the State of Connecticut and by their failure to print and provide bilingual applications, forms, documents and other communications for use and/or receipt by plaintiffs.

2. Enter preliminary and permanent injunctions: (a) enjoining defendants from excluding plaintiffs from participation in, denying plaintiffs the benefits of, and/or subjecting plaintiffs to discrimination under the public assistance programs of the State of Connecticut, and from sanctioning, approving, or permitting such exclusion, denial or discrimination; (b) ordering defendants, each and all of them, to submit to this Court a complete and detailed plan for the employment of sufficient numbers of bilingual personnel by defendant Department. So as to insure plaintiffs full participation in, and equal access to the benefits of the public assistance programs, said plan to include, but not be limited to, the following elements: (i) numbers of bilingual personnel to be hired; (ii) approximate time schedule for such hiring; (iii) methods to be used to recruit and select such personnel; and (iv) exact nature of skills required for such personnel; and
(c) ordering defendants to print and provide bilingual applications, forms, documents and other communications used or received by participants in public assistance programs administered by the Dept. of Welfare of the State of Connecticut.
(d) pending the submission of said plan and its approval by this Court, enjoining and restraining defendants Department of Welfare of the State of Connecticut and Nicholas Norton, and their agents, servants, employees, and representatives, from filling any existing

or future vacancies in any staff position in said Department, including — but not limited to — vacancies in positions classified as intake worker, income maintenance worker, social service worker, and case aid, regardless of whether said positions are permanent or temporary, full-time or part-time, and whether said positions are filled by promotion or other means, unless defendants receive prior approval by this Court.

4. Enter a judgment in favor of the plaintiffs and the members of the class they represent and against each of the individual defendants in a sum which to the Court may seem just and proper.
5. Award costs, disbursements and reasonable attorneys' fees.
6. Grant such other and further relief as the Court deems just, equitable and proper.

Respectfully submitted,

THE PLAINTIFFS

By: **ANN C. HILL**

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Attorneys for the Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT
CIVIL ACTION NO. 15,732

SANCHEZ, et al.,
Plaintiffs,

v.

NORTON, et al.,
Defendants.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED to by the Connecticut Welfare Department (hereinafter "CWD") and the United States Department of Health, Education and Welfare (hereinafter "HEW") through their attorneys as follows:

1. The CWD will immediately seek to hire ten (10) additional all-purpose bilingual English-Spanish workers. This will be accomplished by going through the CWD's WIN lists and requesting another Interpreter's examination to increase its Interpreter capability. If necessary, the CWD will advertise any new Interpreter examination dates in the newspapers of Bridgeport, Hartford and New Haven.
2. The CWD will also proceed to hire ten (10) additional professional workers in the Social Services. This will be done by the CWD immediately requesting the State Personnel Commissioner to request that the Social Worker/Spanish-speaking classification be put on the next agenda of the Personnel Policy Board. The CWD will also request new classifications for Case Worker I Spanish-Speaking and Case

Worker II Spanish-Speaking. These positions will be for Protective Services, Children's Services and Preventive Services.

After these classifications have been established, the CWD will actively seek candidates in the area colleges and schools of Social Work, in addition to those means usually used by the Personnel Department in filling Merit System positions. Spanish-speaking capability is necessary, the CWD will make its best efforts to augment its Spanish-speaking capability to meet the additional needs.

4. Reporting

(a) The CWD will have a reporting system in place by June 1, 1974, and will submit its first report in writing to HEW on July 1, 1974, and submit further reports on an annual basis thereafter beginning July 1, 1975.

(b) The contents of such reports will be as follows:

(i) For each Income Maintenance and Social Service program, the total number of Spanish-Surnamed recipients, and the total number of Spanish-speaking recipients by District Office. (The latter figure shall be determined pursuant to the methodology identified in the CWD's Departmental Bulletin 2795 (attached).) Spanish-speaking in this subparagraph refers to persons who speak Spanish as their primary language of communication and who evidence difficulty in communicating in English.

(ii) The total number of employees by position classification and assignment by District Office.

(iii) A list of all current client-contact personnel who speak Spanish and their degree of fluency,

by position classification and assignment for each District Office.

(iv) By July 1, 1974, the CWD will submit to HEW in writing an allocation plan for method of assignment Spanish-speaking clients to workers which will insure that Spanish-speaking staff are

routinely available to communicate with and provide services to eligible Spanish-speaking clients. The allocation plan will include an identification of how interpreters will be used and in what programs.

5. The attorneys for HEW will not engage in any further activity in the instant lawsuit in opposition to the CWD, but will take whatever steps are necessary to defend itself against the allegation that HEW has violated Title VI.

6. The above-stated provisions in no way determine the validity of any claims that may arise in the future between the CWD and HEW arising from Title VI or its implementing regulations.

FRANCIS J. MACGREGOR, Esq.
Attorney for the CWD

STEPHEN P. PASSEK
A. JOSEPH ALARID
Attorneys for HEW

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT
CIVIL ACTION NO. 15732

ADRIANA SANCHEZ, et al.,
Plaintiffs,

v.

NICHOLAS NORTON, et al.,
Defendants.

STIPULATION

IT IS HEREBY STIPULATED BY AND BETWEEN the attorneys for the plaintiffs and the attorneys for the federal defendants, Department of Health, Education and Welfare, Casper Weinberger, Neil Fallon and John Bynoe as follows:

1. This action was filed on April 19, 1973 by the named plaintiffs, who claimed that the federal defendants named above were violating the plaintiffs' rights under the Fifth Amendment to the Constitution of the United States and under Title VI of the Civil Rights Act of 1964 (hereinafter "Title VI"), specifically 42 U.S.C. § 2000d and the regulations adopted thereunder.
2. Plaintiffs claimed that the federal defendants have violated their rights under Title VI by failing to act on plaintiffs' administrative complaint filed pursuant thereto and by failing to take the affirmative steps required of them by Title VI and regulations adopted thereunder to ensure that plaintiffs' rights to benefits and services under federally funded programs are protected.

3. Plaintiffs claimed that the federal defendants have violated their rights guaranteed by the Fifth Amendment to the United States Constitution, in that they have refused or failed to ensure that plaintiffs and the members of their class receive benefits and services on an equal, non-discriminatory basis with all other clients of welfare programs funded jointly by the federal defendants and the state defendant and administered by the state defendant.

4. The federal defendants for their part contend that they are fulfilling their responsibilities under Title VI and the 5th Amendment to the Constitution of the United States.

5. Subsequent to the filing of this action, the federal defendants conducted an investigation which culminated on August 31, 1973 with a finding that the Connecticut Welfare Department (hereinafter "CWD") was not in compliance with Title VI, and the regulations adopted thereunder.

6. In an effort to ascertain whether compliance by the CWD with Title VI and the regulations adopted thereunder could be achieved by informal or voluntary means as required by Title VI, 42 U.S.C. Section 2000d-1, and Federal Regulations, 45 C.F.R. 80.7(d), 80.8(c), the federal defendants and the CWD entered into discussions. These discussions resulted in the signing of a stipulation between those parties which was filed with the Court on May 6, 1974.

7. Pursuant to the aforesaid stipulation, the CWD made a commitment to hire 20 additional Spanish-speaking workers and to implement a reporting system which will allow the Department of Health, Education and Welfare (hereinafter "HEW") to monitor the CWD's efforts to comply with Title VI. The federal defendants agreed not to prosecute any claims against the CWD in the present action, in light of this stipulation.

8. The decision of the federal defendants to enter into the aforesaid stipulation with the CWD is within their discretion in their administrative capacity to enforce Title VI. This decision does not represent a determination by the federal defendants that the CWD is currently in compliance with Title VI or the regulations adopted thereunder.

9. The federal defendants' decision to enter into the aforesaid stipulation in no way reflects on the merits of plaintiffs' claims of non-compliance by the CWD with Title VI and the regulations adopted thereunder, nor does it reflect on the merits of plaintiffs' constitutional claims against the CWD.

The federal defendants in entering into the stipulation have not made a determination that the CWD would be in compliance when it has complied with the terms of the stipulation. Federal defendants retain their right, pursuant to applicable Title VI regulations, to evaluate the steps taken by the CWD pursuant to the stipulation filed with the court on May 6, 1974, in order to determine the CWD's Title VI compliance status.

10. It is understood that the Federal defendants will continue to monitor the activities of the CWD in order to enforce compliance with Title VI by requiring the CWD to submit periodic compliance reports in accordance with federal regulations, 45 C.F.R. Section 80.6, and by conducting independent periodic compliance reviews of the CWD program from time to time as required by 45 C.F.R. Section 80.7.

11. In the event that the CWD should fail to timely submit periodic compliance reports, or fail to timely comply with the terms of the aforesaid stipulation entered into between the federal defendants of the CWD, the federal defendants shall promptly notify counsel for the plaintiffs of the nature and extent of said failures.

12. Accordingly and based solely on the representations made above, plaintiffs agree to a dismissal of the action against the federal defendants without prejudice or cost in the action.

DATED June 24, 1974

JOSE A. RIVERA
RICHARD J. HILLER
Puerto Rican Legal Defense & Education Fund, Inc.

Attorneys for Plaintiffs

DATED June 18, 1974

STEPHEN P. PASSEK
ALBERT J. ALARID
Attorneys
Department of Justice
Washington, D.C. 20530

Attorneys for Defendants
Weinberger, Bynoe,
Fallon & HEW

Approved and SO ORDERED
this 11th day of July, 1974.

HONORABLE ROBERT C. ZAMPANO
United States District Judge
District of Connecticut

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

ADRIANA SANCHEZ, et al.,

Plaintiffs,

v.

NICHOLAS NORTON, et al.,

Defendants.

CIVIL ACTION NO. 15,732

ORDER

It is ORDERED that pursuant to the stipulation duly entered into on July 11, 1974 by Attorneys for the Plaintiffs and Attorneys for the Federal Defendants, an order dismissing the Federal Defendants in this action shall be entered without prejudice.

SO ORDERED.

Dated July 11, 1974

ROBERT C. ZAMPANO
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF CONNECTICUT
CIVIL ACTION NO. 15732

ADRIANA SANCHEZ, et al.,
Plaintiffs,

v.

EDWARD W. MAHER, et al.,
Defendants.

ORDER

The United States Department of Health, Education and Welfare (hereinafter HEW) was rejoined as a defendant in this action without objection, for the limited purpose of enforcing a Stipulation entered into between HEW and the, then Connecticut Welfare Department (hereinafter CWD) and approved by this Court and filed on June 10, 1974. Said stipulation was both incorporated by reference and was a condition precedent to the Order of Dismissal of HEW, filed on July 11, 1974.

Defendant CWD requested that an evidentiary hearing be scheduled on the merits as to whether the HEW-CWD Stipulation should be enforced by further order of this Court. On April 19, 1976 and April 27, 1976, said hearing was held. The Court having considered both the relevant pleadings, the testimony and the documentary evidence admitted at said hearing finds that the interpretation of the HEW-CWD Stipulation as set forth by HEW, the private plaintiffs, and Commissioner Edward W. Maher (HEW Exhibit 3, Maher letter of August 15, 1975) reflects the intent of the parties at the time said Stipulation was agreed upon.

For purposes of clarity, the Court notes that in October of 1974, the State Welfare Department changed its name to the Department of Social Services. A new Department of Children and Youth Services (hereinafter DCYS) was created at that time to provide "most of the services which require professional social workers to deliver such." As a result of that action, those services are now purchased by the Department of Social Services, headed by Commissioner Edward W. Maher (in his official capacity, a named defendant herein) from DCYS. Accordingly, on July 18, 1975, Commissioner Maher acknowledged that the ten (10) additional professional workers required to be hired in accordance with the terms and conditions of numbered paragraph two (2) of the HEW-CWD Stipulation would be hired by the DCYS (Maher to Bynoe letter dated August 15, 1975, admitted without objection as HEW Exhibit 3 at the hearing held on April 19, 1976).

The Court notes that after the evidentiary hearing held in April of 1976, counsel for the State requested that both defendant HEW and the private plaintiffs stipulate that five (5) persons previously counted in 1974 as all-purpose workers be counted instead, as constituting an opening base figure of five (5) professional workers at the time of the 1974 HEW-CWD Stipulation. In a letter dated June 17, 1976, counsel for the State acknowledged that ". . . the parties will agree that the base figures for the Stipulation between HEW and CWD filed June 10, 1974 were as follows: 57 fluent English/Spanish-speaking All Purpose Workers and 5 fluent English/Spanish-speaking Social Workers doing social work." For the record, a list of those people that constitute the opening base figures follows:

1974

**OPENING BASE FOR
ALL-PURPOSE WORKERS**

- | | |
|-----------------------|----------------------|
| 1. Alice Duey | 30. Rosaura Serrano |
| 2. Elsa Martin | 31. Carmen Aponte |
| 3. Carlos Rodriguez | 32. Juana Lucena |
| 4. Alejandro Crespo | 33. Harold Logan |
| 5. Rosemary Zevallos | 34. Albert Weiss |
| 6. Cecilia Alvarado | 35. Maria Chifari |
| 7. Luis Goritz | 36. Jeanette Pacheco |
| 8. Hortensia Owens | 37. Linda Johnson |
| 9. Gloria Rivera | 38. Susan Calabro |
| 10. Carmen Perez | 39. Carlos Rivera |
| 11. Benedicta Sanchez | 40. Daphne Walker |
| 12. Maxine Adams | 41. Josepha Oyler |
| 13. Maria Costa | 42. Lynn Golbach |
| 14. Iris Irizarry | 43. Candida Santiago |
| 15. Maria Maisonet | 44. Vincent Amodeo |
| 16. Lydia De Jesus | 45. Anthony Forcelli |
| 17. Maria Hernandez | 46. Alan Dabyaka |
| 18. Edith Vasquez | 47. Dominga Rivera |
| 19. Rita Ruetter | 48. Lillian Fletcher |
| 20. John Caruso | 49. Judith Perrine |
| 21. Gloria Suarez | 50. Emily LeMay |
| 22. Maria Dukes | 51. Barbara Cenci |
| 23. Eleina Garzon | 52. Jose Melendez |
| 24. Isabel C. Lynch | 53. Sylvia Kramer |
| 25. James Byington | 54. Thomas Agramonte |
| 26. Joan Davidson | 55. Luis Gontz |
| 27. Lillian Schneider | 56. Luz Miranda |
| 28. Yolanda Spuchesi | 57. David Bruno |
| 29. Irene Cary | |

1974

OPENING BASE FOR
PROFESSIONAL WORKERS

- | | |
|----------------------|------------------|
| 1. Allan Cooper | 4. Thomas Meehan |
| 2. Kathryn A. Duffie | 5. Peter Mihaly |
| 3. James McGinley | |

The Court finds that the Department of Social Services is required to now have in its employ a total of seventy-nine (79) fluent all-purpose bilingual English-Spanish workers. The Court has arrived at that total as follows. It is uncontested that the opening base figure for all-purpose workers was fifty-seven (57). It is also uncontested that on or about June 10, 1974, the State had twelve (12) existing vacancies for all-purpose workers. All parties agree that the HEW-CWD Stipulation required the State to hire ten (10) additional all-purpose workers. It is the position of both the private plaintiffs, and defendant HEW that the State is required to have in its employ the aggregate total of the opening base figure (57); vacancies in existence at the time the HEW-CWD Stipulation of June 10, 1974 was signed (12); and additional hires required under the terms of that Stipulation (10). This interpretation is supported by HEW Exhibit 3, in evidence, the letter dated August 15, 1975 signed by Commissioner Edward W. Maher:

"The ten all purpose workers will be added to the staff of the Department of Social Services. I understand that in addition to these ten workers there were twelve vacancies for bi-ligual workers existing at the time the stipulation was signed and that these too should be filled." [HEW Exhibit 3, page 2].

However, the Court further finds that at the time of the evidentiary hearing in April of this year, the State defendants had in their employ a total of seventy-one (71) fluent all-

purpose bilingual English-Spanish workers. For purposes of the provisions of this Order, those seventy-one (71) persons are identified by name on Attachment One and incorporated herein by reference. Therefore, it follows that the Court finds that in order to comply with the terms of the 1974 HEW-CWD Stipulation, the State is required to immediately hire eight (8) all-purpose workers in addition to those listed on Attachment One.

With regard to professional workers, it is uncontested that the State is required to have in its employ a total of fifteen (15). That figure is comprised of an opening base figure of the five (5) persons listed in this Order, *supra*, together with the ten (10) professional workers agreed upon in the 1974 HEW-CWD Stipulation. The Court further finds that at the time of the hearing the State had in its employ five (5) professional workers acceptable to both defendant HEW and the private plaintiffs as qualified. Those five (5) persons were as follows:

1. Maurice Bourquin, Caseworker II
(Spanish-Speaking)
2. Luisa Cumbo, Caseworker II
(Spanish-Speaking)
3. Virginia Adams, Social Worker
(Spanish-Speaking)
4. Sava Belanian, Social Worker
(Spanish-Speaking)
5. Diane Rivero, Social Worker
(Spanish-Speaking).

It is the Order of this Court, for the purpose of assuring complete and continued compliance with the Stipulation,

that the Connecticut Department of Social Services, its Commissioner Edward W. Maher, their successors in office and other persons in active concert or participation with them, are to do the following:

1. As to those remaining ten (10) persons that the State is required to have on-board as qualified bilingual professional workers (in addition to Messrs. Bourquin, Cumbo, Adams, Belanian and Rivero who are acceptable to both defendant HEW and the private plaintiffs, *supra*) the State must supply to counsel for defendant HEW and the private plaintiffs affidavits from those persons remaining to be accepted as qualified that include their qualifications, their present duties, their fluency in Spanish and relevant data concerning their responsibilities, knowledge and contacts with recipients. The State has sixty (60) days from the entry date of this Order to effect the implementation of this provision. In the event of a dispute (that the parties cannot resolve amongst themselves) over the qualifications of any of these persons, leave is hereby granted for any aggrieved party to apply to the Court for relief.

2. As to those eight (8) persons who are to be hired to bring the total of all-purpose bilingual workers to seventy-nine (79), the State has sixty (60) days from the entry date of this Order to effect the implementation of its provisions. Those persons who are to constitute new hires shall be administered a fluency test by the State within forty-five (45) days of the entry date of this Order.

3. It is further Ordered that any vacancies that have occurred or occur in the future and that result in lowering the number of all-purpose bilingual workers from an on-board total of seventy-nine (79) or result in lowering the number of bilingual professional workers from an on-board total of fifteen (15) shall be filled either within sixty (60) days of the entry date of this Order or within sixty (60) days after

the date that the vacancy occurs, whichever comes later. In the event that either the private plaintiffs or defendant HEW concludes that the spirit of the Court's instruction in this regard is not being followed, leave is hereby granted for the aggrieved party to apply to the Court for relief.

4. It is further Ordered that the State submit to HEW for approval within thirty (30) days of the entry date of this Order, a revised detailed allocation plan within the meaning of that required by the 1974 HEW-CWD Stipulation which will ensure that Spanish-speaking staff are routinely available to communicate with and provide services to eligible Spanish-speaking clients. Defendant HEW is hereby directed to provide the State with guidance to help effect the provisions of this paragraph. Said plan shall be implemented within sixty (60) days after written approval of HEW is received by the State.

5. Notwithstanding any of the provisions of this Order, all of the ongoing provisions of the 1974 HEW-CWD Stipulation are incorporated by reference herein and remain in effect.

ORDERED this 2nd day of September, 1976.

United States District Judge
ROBERT C. ZAMPANO

ATTACHMENT I

**LIST OF
FLUENT ALL-PURPOSE BILINGUAL WORKERS
IDENTIFIED BY THE STATE
AS BEING ON-BOARD ON APRIL 27, 1976**

- | | |
|-----------------------------|------------------------|
| 1. Alice Duey | 30. Carmen Aponte |
| 2. Elsa (Martin) Belaleazer | 31. Juana Lucena |
| 3. Carlos Rodriguez | 32. Harold Logan |
| 4. Alejandro Crespo | 33. Albert Weiss |
| 5. Rosemary Zevallos | 34. Maria Chifari |
| 6. Cecilia Alvarado | 35. Jeanette Pacheco |
| 7. Luis Goritz | 36. Linda Johnson |
| 8. Hortensia Owens | 37. Juana Muniz |
| 9. Gloria Rivera | 38. Rochelle Bodo |
| 10. Carmen Perez | 39. Linda Bantell |
| 11. Benedicta Sanchez | 40. William Melley |
| 12. Maxine Adams | 41. Dale Eberhart |
| 13. Maria Acosta | 42. Joan Burke |
| 14. Iris Irizarry | 43. Shirley De Flavis |
| 15. Maria Maisonet | 44. Marina Boisvert |
| 16. Lydia De Jesus | 45. Eleanor Kooby |
| 17. Maria Hernandez | 46. Ida Colon |
| 18. Edith Vasquez | 47. Peggy Chardon |
| 19. Rita Ruetter | 48. Maria Dukes |
| 20. John Caruso | 49. Estella Ortiz |
| 21. Gloria Suarez | 50. Ruben Curnow |
| 22. Maria Dukes | 51. Aglae Fraguada |
| 23. Elcira Garzon | 52. Irma Robledo |
| 24. Isabel C. Lynch | 53. Esther Garcia |
| 25. James Byington | 54. Miriam Sanforienzo |
| 26. Joan Davidson | 55. Virginia Marquez |
| 27. Lillian Schneider | 56. Michele Swanson |
| 28. Yolanda Spuchesi | 57. Elba Sanchez |
| 29. Rosaura Serrano | 58. Paula Giovanelli |

- | | |
|-------------------------|---------------------|
| 59. Anne Sheedy | 66. Linda Mahan |
| 60. Stanley Blocker | 67. Carmen Rivera |
| 61. Anthony Cofrantesco | 68. Julia Velez |
| 62. Manuel Cuevaz | 69. Alice Rodriguez |
| 63. Cullen Dowd | 70. Marilyn Sanchez |
| 64. Deborah Papalla | 71. Angelica Cruz |
| 65. Olga Fibbish | |

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE

John Bynoe
Civil Rights Director

July 3, 1974

Samuel C. Fish
Regional Attorney, Region I

Sanchez v. Norton — Monitoring Commitments by the
State Welfare Department.

This will have reference to the above captioned case involving the issue of whether the Connecticut Welfare Department is providing services on an equal basis to Spanish speaking beneficiaries.

As you are aware, HEW and the Connecticut Welfare Department entered into a stipulation whereby HEW agreed not to pursue any further activity in the lawsuit against the Connecticut Welfare Department in return for some very specific commitments made by the Connecticut Welfare Department. These commitments are embodied in a stipulation, a copy of which is attached hereto for your information and use.

As you will see from the attached stipulation, the Connecticut Welfare Department agreed to hire ten all purpose bilingual English/Spanish workers and ten additional bilingual professional workers in the social services. It would seem necessary for OCR to monitor the situation to see that this commitment is carried out within a reasonable time frame. The Connecticut Welfare Department also committed itself to requesting new classifications from the State personnel office. This activity should also be monitored. In addition, the Connecticut Welfare Department undertook a number of commitments with respect to reporting; thus on page 2 of the

stipulation, the Connecticut Welfare Department agreed to have a reporting system in place by June 1, 1974, and its first report in writing to HEW on July 1, 1974. Immediate attention should be given in determining whether Connecticut is complying with this agreement. Moreover, as reflected on the last page of the stipulation, the Connecticut Welfare Department agreed to submit to HEW in writing by July 1, 1974 an allocation plan for the method of assignment of Spanish speaking clients to workers. This matter should also be monitored carefully.

Therefore, in conclusion, we believe it necessary for OCR to follow up on all of the commitments contained in the attached stipulation, in order to be certain that all agreements contained therein have and will be met within the appointed time frame. We believe this is essential for purposes of resolution both of the law suit and of all the administrative issues that have been identified.

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
REGION I
RKO GENERAL BUILDING
GOVERNMENT CENTER
BOSTON, MASSACHUSETTS 02114

OFFICE FOR CIVIL RIGHTS

July 10, 1974

Mr. Nicholas Norton
Commissioner
Connecticut State Welfare Department
1000 Asylum Avenue
Hartford, Connecticut 06115

Attention: Ms. Carolyn Packard Re: *Sanchez v. Norton*

Dear Commissioner Norton:

This is a follow-up to our recent telephone calls in which you indicated that you would be sending us a report within the next few days pursuant to the recent Stipulation executed between the Connecticut Welfare Department and HEW.

As we discussed, please be sure that your report specifically indicates the steps which you have taken so far and which you will be taking to implement your agreement to hire ten additional all-purpose bilingual English-Spanish workers, and to hire ten additional professional workers in the Social Services, and the results to date. The report also should contain specific information regarding your efforts to seek changes in and additions to classifications in the State personnel system. Your report, of course, also should contain the specific items of information listed in Paragraph 4(b) of the Stipulation.

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Since the first report date of July 1, 1974 has passed, it is important that prompt submission to our office be made as early as possible, and you indicated we would receive your report within the next two or three days. We will expect to hear from you shortly in the detail requested.

Sincerely yours,

JOHN G. BYNOE
Director, Office for Civil Rights
Region I

M E M O R A N D U M

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
REGION I

DATE: July 24, 1974

TO : John G. Bynoe, Director
Office for Civil Rights
Region I

FROM : Samuel C. Fish
Regional Attorney, Region I

SUBJECT: *Sanchez v. Norton — State Report Pursuant to Stipulation*

This will have reference to the report submitted by the Connecticut State Welfare Department on July 15, 1974 in accordance with the Stipulation entered into between the said State Department and HEW in connection with the subject case. We thought it might be helpful to apprise you of our view of the extent to which the materials submitted by the State are responsive to the commitments made by the State in the aforementioned Stipulation.

The format of the State report is first to supply the specific items of information called for by paragraph 4(b) of the Stipulation. Exhibits 1a and 1b of the State Report would appear to provide the total number of recipients for each income maintenance program and social service program by District Office for the month of May 1974 as contemplated by paragraph 4(b)(i) of the Stipulation. Exhibit 1c of the State Report purports to set forth the total number of Spanish-surnamed recipients. However, this exhibit refers only to

"AFDC cases" by District Office for May 1974 and indicates that the number of Spanish-surnamed cases are "an estimate based on the Quality Control AFDC sample for the period January through June 1974." We question whether the information contained in State Exhibit 1c is sufficient to meet the request for the total number of Spanish-surnamed recipients for each income maintenance and social service program called for in paragraph 4(b)(i) of the Stipulation. State Exhibit 1d when read in conjunction with State Exhibit 4 would appear to supply the information concerning the number of Spanish-speaking recipients by District Office pursuant to the methodology specified in paragraph 4(b)(i) of the Stipulation.

State Exhibit 2 would appear to provide a detailed description of the total number of employees by position classification and assignment by District Office in accordance with paragraph 4(b)(ii) of the Stipulation.

Exhibit 3 would appear to supply the information as to fluency of client contact personnel required by paragraph 4(b)(iii) of the Stipulation.

Pursuant to paragraph 4(b)(iv) of the Stipulation, the Connecticut Welfare Department committed itself to submit to HEW in writing by July 1, 1974 "an allocation plan for method of assignment Spanish-speaking clients to workers which will ensure that Spanish-speaking staff are routinely available to communicate with and provide services to eligible Spanish-speaking clients. The allocation plan will include an identification of how interpreters will be used and in what programs". The Connecticut Welfare Department's response to this commitment apparently is embodied in State Exhibit 4. We find this exhibit to be somewhat vague and to be lacking in the detail and degree of specificity we believe is contemplated by the above-quoted language of the Stipulation. Thus State Exhibit 4 refers to the monthly statistical report recently instituted by Connecticut to identify Spanish-speaking recipi-

ents in accordance with Departmental Bulletin No. 2795 and then states, "Based on the statistical (sic) count Spanish Speaking staff is identified as needed and related to actual Spanish Speaking staff in the specified district." This language is unclear and fails to describe any method for allocating Spanish-speaking staff in accordance with demonstrated need for Spanish-speaking capability in the various district offices. The remaining language of Exhibit 4 merely seems to assert that there is a single Spanish-speaking employee in each district office and that this employee is used whenever Spanish-speaking capability is required in that office. We therefore believe the State must develop a much more detailed allocation plan than that currently contained in Exhibit 4 in order to meet the requirements for such a plan set forth in paragraph 4(b)(iv) of the Stipulation.

As you are aware, the Connecticut State Welfare Department agreed in paragraph (1) of the Stipulation to "immediately seek to hire ten (10) additional all-purpose bilingual English-speaking workers". In addition the State agency also committed itself in paragraph (2) to "proceed to hire ten (10) additional professional workers in the Social Services." This latter commitment was to be carried out in connection with the State Personnel Department. New classifications for Case Worker I Spanish-Speaking and Case Worker II Spanish-Speaking also were to be requested. The State's report concerning all of these commitments apparently is embodied in Exhibit 5. This exhibit indicates that 34 people took an examination on November 6, 1973 for the position of Spanish Speaking Interpreter with the result that a list was promulgated on July 9, 1974 by the State Personnel Department with 16 candidates. The exhibit thereupon states, "Upon receipt of this list the Welfare Department will interview to fill 8 vacancies plus any additional positions requested by District Directors to adequately service caseloads." If this statement is intended to meet the commitment to hire "ten (10) additional all-purpose

bilingual English-Spanish workers" as set forth in paragraph (1) of the Stipulation we question why the number of vacancies intended to be filled is 8 rather than 10 as promised in the Stipulation. We are also concerned that such a long period of time elapsed between the date the exam was taken and the date the list of successful candidates was promulgated by the State Personnel Department. We trust the State Welfare Department will take immediate steps to implement fully the commitment contained in paragraph (1) of the Stipulation.

With respect to the commitment to hire 10 additional professional workers in the social services set forth in paragraph (2) of the Stipulation, Exhibit 5 indicates that the Connecticut Welfare Department prepared specifications for Spanish speaking social workers "and sent request to State Personnel for Policy Board action during October 1973." It is further indicated that an additional request for Spanish Speaking Case Worker was made on May 2, 1974. The Exhibit then states, "Both of these specifications are in progress in State Personnel." We believe that the information at best is indefinite as to the extent of progress being made by the Connecticut Welfare Department in fulfilling the commitments in paragraph (2) of the Stipulation. Moreover, as in the case of the interpreter's examination discussed *supra*, it would seem that the period of time required to effectuate approval of the classifications by the State Personnel Department is unreasonable. While it is understood that the Welfare Department may not be able to control the activities of another State agency, it must be remembered that the failure of another State agency to carry out its functions cannot serve as a basis for the Welfare Department to avoid its responsibilities under Title VI of the Civil Rights Act. Accordingly, it would appear that the Connecticut Welfare Department should provide a more definitive work plan for meeting the commitments of paragraph (2) of the Stipulation and should redouble its efforts to fulfill such commitments.

In conclusion we would indicate that we have not undertaken herein to analyze all the statistical data supplied by the State to determine whether all Title VI requirements are being met. We will be glad to assist you in "any such analysis. Rather we have attempted to provide you with some initial insight into the adequacy of the data which has been provided as well as some preliminary reaction to this apparently good faith effort upon the part of the State to meet the reporting requirements of the Stipulation as well as to indicate the current status of its other commitments.

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DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
REGION 1
RKO CENERAL BUILDING
GOVERNMENT CENTER
BOSTON, MASSACHUSETTS 02114

OFFICE FOR CIVIL RIGHTS

August 27, 1974

Mr. Nicholas Norton
Commissioner
State Welfare Department
State of Connecticut
110 Bartholomew Avenue
Hartford, Conn. 06106

Dear Mr. Norton:

This refers to the report submitted to this office on July 15, 1974 in accordance with the Stipulation entered into between the Connecticut State Welfare Department and the U.S. Department of Health, Education and Welfare in connection with the case of Sanchez v. Norton.

We have reviewed your report in order to ascertain how well the report relates to the commitments contained in the Stipulation agreements. The following are our findings in this matter:

The format of the State report is first to supply the specific items of information called for by paragraph 4(b) of the Stipulation. Exhibits 1a and 1b of the State Report would appear to provide the total number of recipients for each income maintenance program and social service program by District Office for the month of May 1974 as contemplated by paragraph 4(b)(i) of

the Stipulation. Exhibit 1c of the State Report purports to set forth the total number of Spanish-surnamed recipients. However, this exhibit refers only to "AFDC cases" by District Office for May 1974 and indicates that the number of Spanish-surnamed cases are an "estimate based on the Quality Control AFDC sample for the period January through June 1974". We question whether the information contained in State Exhibit 1c is sufficient to meet the request for the total number of Spanish-surnamed recipients for each income maintenance and social service program called for in paragraph 4(b)(i) of the Stipulation.

State Exhibit 1d when read in conjunction with State Exhibit 4 would appear to supply the information concerning the number of Spanish-speaking recipients by District Office pursuant to the methodology specified in paragraph 4(b)(i) of the Stipulation.

State Exhibit 2 would appear to provide a detailed description of the total number of employees by position classification and assignment by District Office in accordance with paragraph 4(b)(ii) of the Stipulation.

Exhibit 3 would appear to supply the information as to fluency of client contact personnel required by paragraph 4(b)(iii) of the Stipulation.

Pursuant to paragraph 4(b)(iv) of the Stipulation, the Connecticut Welfare Department committed itself to submit to HEW in writing by July 1, 1974 "an allocation plan for method of assignment Spanish-speaking clients to workers which will insure that Spanish-speaking staff are routinely available to communicate with and provide services to eligible Spanish-speaking clients. The allocation plan will include an identification of how interpreters will be used and in what programs". The

Connecticut Welfare Department's response to this commitment apparently is embodied in State Exhibit 4. We find this exhibit to be somewhat vague and to be lacking in the detail and degree of specificity we believe is contemplated by the above-quoted language of the Stipulation. Thus State Exhibit 4 refers to the monthly statistical report recently instituted by Connecticut to identify Spanish-speaking recipients in accordance with Departmental Bulletin No. 2795 and then states, "Based on the statisica; (sic) count Spanish-speaking staff is identified as needed and related to actual Spanish-speaking staff in the specified district." This language is unclear and fails to describe any method for allocating Spanish-speaking staff in accordance with demonstrated need for Spanish-speaking capability in the various district offices. The remaining language of Exhibit 4 merely seems to assert that there is a single Spanish-speaking employee in each district office and that this employee is used whenever Spanish-speaking capability is required in that office. We therefore believe the State must develop a much more detailed allocation plan than that currently contained in Exhibit 4 in order to meet the requirements for such a plan set forth in paragraph 4(b)(iv) of the Stipulation.

As you are aware, the Connecticut State Welfare Department agreed in paragraph (1) of the Stipulation to "immediately seek to hire ten (10) additional all-purpose bilingual English-speaking workers". In addition the State agency also committed itself in paragraph (2) to "proceed to hire ten (10) additional professional workers in the Social Services." This latter commitment was to be carried out in connection with the State Personnel Department. New classifications for Case Worker I Spanish-speaking and Case Worker II Spanish-speaking also were to be requested. The State's report concerning all of these commitments apparently is embodied in Exhibit 5. This

exhibit indicates that 34 people took an examination on November 6, 1973 for the position of Spanish Speaking Interpreter with the result that a list was promulgated on July 9, 1974 by the State Personnel Department with 16 candidates. The exhibit thereupon states, "Upon receipt of this list the Welfare Department will interview to fill 8 vacancies plus any additional positions requested by District Directors to adequately service caseloads." If this statement is intended to meet the commitment to hire "ten (10) additional all-purpose bilingual English-Spanish workers" as set forth in paragraph (1) of the Stipulation we question why the number of vacancies intended to be filled is 8 rather than 10 as promised in the Stipulation. We are also concerned that such a long period of time elapsed between the date the exam was taken and the date the list of successful candidates was promulgated by the State Personnel Department. We trust the State Welfare Department will take immediate steps to implement fully the commitment contained in paragraph (1) of the Stipulation.

With respect to the commitment to hire 10 additional professional workers in the social services set forth in paragraph (2) of the Stipulation, Exhibit 5 indicates that the Connecticut Welfare Department prepared specifications for Spanish-speaking social workers "and sent request to State Personnel for Policy Board action during October 1973." It is further indicated that an additional request for Spanish Speaking Case Worker was made on May 2, 1974. The Exhibit then states, "Both of these specifications are in progress in State Personnel." We believe that the information at best is indefinite as to the extent of progress being made by the Connecticut Welfare Department in fulfilling the commitments in paragraph (2) of the Stipulation. Moreover, as in the case of the interpreter's examination discussed *supra* it

would seem that the period of time required to effectuate approval of the classifications by the State Personnel Department is unreasonable. While it is understood that the Welfare Department may not be able to control the activities of another State agency, it must be remembered that the failure of another State Agency to carry out its functions cannot serve as a basis for the Welfare Department to avoid its responsibilities under Title VI of the Civil Rights Act. Accordingly, it would appear that the Connecticut Welfare Department should provide a more definitive work plan for meeting the commitments of paragraph (2) of the Stipulation and should redouble its efforts to fulfill such commitments.

This is an attempt to provide you with some insight into the adequacy of the data you have submitted as well as a preliminary reaction to this initial effort of the State to meet the reporting requirements of the Stipulation.

I would appreciate receiving from you a letter of response regarding these comments.

Sincerely yours,

JOHN G. BYNOE
Director
Office for Civil Rights
Region I

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
REGION I
RKO GENERAL BUILDING
GOVERNMENT CENTER
BOSTON, MASSACHUSETTS 02114

OFFICE FOR CIVIL RIGHTS

November 21, 1974

Mr. Nicholas Norton
Commissioner
State Welfare Department
State of Connecticut
110 Bartholomew Avenue
Hartford, Connecticut 06106

Dear Mr. Norton:

This will have reference to your letter dated September 17, 1974 and to the comments attached thereto written by Francis J. MacGregor, Assistant Attorney General. Through some failure of communication we did not receive this material until copies thereof were given to Sam Fish, the Regional Attorney, during his visit to the State Welfare Department on November 12, 1974 in connection with another matter.

Your comments purport to be responsive to the concerns expressed in my letter to you dated August 27, 1974 which, in turn, was written in response to the report which you filed on July 15, 1974 in accordance with the Stipulation entered into between the Connecticut State Welfare Department and HEW in connection with the case of *Sanchez v. Norton*. Our findings with respect to your comments are as follows:

1. In our letter to you dated August 27, 1974, we questioned whether the information contained in State Exhibit 1

attached to your report of July 15, 1974 was sufficient to meet the request for the total number of Spanish-surnamed recipients for each income maintenance and social service program called for in paragraph 4(b)(i) of the Stipulation. Mr. MacGregor's response to this concern is that HEW "should not be concerned about Spanish surnamed statistics because the Department's real concern is with the recipients of Hispanic origin who cannot communicate effectively with the Department in English. What we are concerned with is Spanish communication." While we would agree with Mr. MacGregor that the ultimate concern of HEW is to ensure effective communication with Hispanic recipients who cannot communicate effectively in English, HEW still believes it is necessary to have the Spanish-surnamed statistics in order to check out the extent of compliance. The Stipulation entered into between the State and HEW specifically calls upon the State to furnish such statistics and HEW thinks it is necessary for the State to meet this commitment.

2. On pages 2 and 3 of our letter of August 27, 1974 we made some extensive comments as to the failure of the State's report to provide an allocation plan of sufficient detail and specificity to meet the requirements for such a plan set forth in paragraph 4(b)(iv) of the Stipulation. In response, Mr. MacGregor has stated *inter alia*, "I think the present method of having a substantial number of bilingual workers in walk-in or near the reception area is a practical way of handling the bilingual problem." Again the difficulty appears to be a lack of sufficient description and detail to permit an assessment of the allocation plan. If, as Mr. MacGregor suggests, there are in fact a "substantial number of bilingual workers" available at significant points of client contact in each of the District Offices, then the requirement for an allocation plan contained in paragraph 4(b)(iv) of the Stipulation should be easily attainable. However, the State must supply more detailed information about its allocation plan before compliance with

such commitment as contained in the Stipulation can be determined to be met.

3. A great deal of confusion appears to have been engendered by our mutual communications concerning the commitment in paragraph (1) of the Stipulation whereby the Connecticut State Welfare Department agreed to "immediately seek to hire ten (10) additional all-purpose bilingual English-speaking workers." In this connection, Mr. MacGregor has commented, "We were not required to 'immediately hire 10 additional interpreters' but to hire bilingual workers. This has been done by hiring a combination of bilingual welfare aides and interpreters." We do not disagree with Mr. MacGregor's interpretation of the aforementioned language of the Stipulation to the effect that no specific type of worker, such as interpreter, is required to fill the additional 10 slots called for by this language of the Stipulation. The references to the State's proposed hiring of interpreters contained in our letter of August 27, 1974 were based upon statements made by the State in Exhibit 5 of its report. The only commitment that we could derive from this report as intending to meet the requirement to hire "ten (10) additional all-purpose bilingual English-speaking workers" was the information concerning the examination given for the position of Spanish-speaking Interpreter and the intention expressed by the State to "interview to fill 8 vacancies plus any additional positions requested by District Directors to adequately service caseloads." This language led us to believe that the State intended to meet the commitment to hire 10 additional all-purpose bilingual workers by hiring interpreters exclusively, which would be permissible although not required under the language of the Stipulation, and therefore we questioned why the commitment was restricted to 8 rather than 10 positions. If, as Mr. MacGregor asserts, the State has met this commitment by hiring a combination of bilingual welfare aides and interpreters totalling at least 10 new positions, then this fact should be documented.

In this connection, we would call your attention to the concerns expressed by Richard J. Hiller, attorney for the plaintiffs, in *Sanchez v. Norton*, as contained in his letter dated October 31, 1974 to Mr. Blackhurst of the Justice Department, a copy of which has been enclosed for your information. Mr. Hiller has raised the question as to whether the State Welfare Department in fact has hired 10 additional bilingual employees or merely filled 10 bilingual vacancies already existing prior to the date the Stipulation was entered into. We certainly believe that the intent of the Stipulation was to have the State Welfare Department augment its work force by hiring ten new Spanish-speaking workers in addition to filling any existing vacancies specifically calling for Spanish-speaking capability. In this regard, we note Mr. MacGregor has stated, "In fact, the present statistics show that when the present interpreters begin their employment you will have hired well in excess of 10 bilingual workers." Thus, if as Mr. MacGregor indicates, the State Welfare Department can demonstrate that it has hired at least ten bilingual workers, whether aides or interpreters, or some combination thereof, to fill slots not previously earmarked for Spanish-speaking capability at the time the Stipulation was entered into, then the requirement in the Stipulation to hire 10 additional all-purpose bilingual workers can be found to be met.

4. Our final concern is with respect to the commitment to hire 10 additional professional workers in the social services set forth in paragraph (2) of the Stipulation. Our principal difficulty as expressed in our letter of August 27, 1974 was as to the speed at which this commitment was being carried out. Mr. MacGregor has expressed the understanding that the job classification has been approved by the personnel policy board of the State and that the State Welfare Department has already requested a test for this job. In your own comments you have supplied the additional information that you "have been told by the Connecticut State Personnel Department

that the test for Social Worker — Spanish speaking will be announced on *October 9, 1974*; the test will be given between *November 23, 1974* and *December 14, 1974*." This information represents substantial progress since your last report but we must urge you to press forward in this area as strongly as possible to assure the completion of the commitment within a reasonable time frame. Thus, once the examination is given, we would expect the State to move quickly to fill the ten positions. These ten slots, of course, are in addition to the ten positions discussed in paragraph 3, above.

In closing, we express our appreciation for your comments and would hope to receive a timely response to the matters discussed herein. We are concerned as to the passage of time since the entry of the Stipulation. We believe our respective communications have identified those areas requiring immediate action by the State. We therefore trust that the issues discussed herein can be given prompt and significant attention by your Department so as to effectuate compliance with the conditions of the Stipulation and with the regulations implementing Title VI of the Civil Rights Act of 1964.

Sincerely yours,

JOHN G. BYNOE
Office for Civil Rights
Region I

Enclosure

STATE OF CONNECTICUT
STATE WELFARE DEPARTMENT
110 BARTHOLOMEW AVENUE HARTFORD, CONNECTICUT 06115

THE STATE WELFARE DEPARTMENT
has Changed Its Name to the
DEPARTMENT OF SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

August 15, 1975

Mr. John G. Bynoe
Director
Office for Civil Rights
Region I
Department of Health, Education
and Welfare
RKO General Building
Government Center
Boston, Massachusetts 02114

Dear Mr. Bynoe:

The meeting I had on July 18, 1975 with you, members of the HEW Regional Attorney staff and Mr. Stephen Holloway of the U.S. Department of Justice, Civil Rights Division to discuss the stipulation regarding the hiring of bilingual English-Spanish workers was helpful to me. As I told you at the meeting I had only recently been briefed on this matter, although I do understand the Department has been endeavoring to fulfill the commitments of the stipulation since it was agreed upon in 1974.

Now that it is my responsibility to carry out the terms of the stipulation I would first of all like to state my overall position regarding the matter. I fully support the concept that bilingual English-Spanish workers are necessary and desir-

able for the Department to adequately carry out its functions. I have not from my own study determined the appropriate ratio of the number of bilingual workers to the number of recipients requiring a bilingual worker but I do accept the findings regarding the number of additional bilingual workers as reflected in the stipulation.

At this time I wish to reaffirm the statements I made to you during our meeting regarding the ways I see that I can carry out the terms of the stipulation.

As we agreed, the 10 additional bilingual professional social workers will be hired by the Department of Children and Youth Services inasmuch as that Department is now providing most of the services which require professional social workers to deliver such. These services were provided to recipients covered under the State Plan for Aid to Families with Dependent Children by my Department at the time of the stipulation and are now purchased by my Department from the Department of Children and Youth Services. After our meeting on July 18, I discussed the hiring of the additional bilingual workers with Commissioner Maloney, Department of Children and Youth Services and he agreed he would hire these workers and in fact had already started hiring bilingual workers from the lists of persons who had passed the civil service tests which had been set up in accordance with Item 2 of the Stipulation. These lists had been sent to you in my report of July 11, 1973.

Mr. Maurice H. Bourquin and Miss Luisa Cumbo classified as Caseworker II — Spanish-English and Miss Donna Salemmi, Social Worker — Spanish-English, have been hired by Mr. Maloney. All three of these workers work with recipients identified in our State Plan. He currently has funded positions for six additional bilingual workers and on August 8, 1975 sent appropriate forms to the State Personnel Office, as is required by State regulations, to activate these positions.

There are three possible candidates remaining on the civil service merit lists for Social Worker (Spanish-English) and Case Work II (Spanish-English). Providing these candidates are still available, it is planned that they will be hired by September 1, 1975.

On July 22, 1975 Commissioner Maloney requested another examination be posted and held by the State Personnel Department for the two above noted classifications. No date for the examination has been set as yet. The Personnel Officer of the Department of Children and Youth Services has asked the State Personnel Office to actively recruit candidates by going out into organizations in the Spanish community and he also will actively recruit candidates.

In summary, three additional professional bilingual social workers have been hired, six additional positions have been set up, the three remaining candidates on the civil service lists are being interviewed and hopefully will be hired by September 1, 1975. Additional examinations have been requested and recruitment for candidates is being carried out. Commissioner Maloney will request another position to complete the required number of ten additional positions and you will be advised when this is done.

The ten all purpose workers will be added to the staff of the Department of Social Services. I understand that in addition to these ten workers, there were twelve vacancies for bilingual workers existing at the time the stipulation was signed and that these too should be filled. I presently have eighty budgeted and funded vacancies. Of this number, fifty are client-contact positions in which it would be appropriate to hire bilingual workers. Thirty-five of the fifty positions are for Eligibility Technicians. Since October 1974 there has been a Federal court injunction which prohibits the hiring of Eligibility Technicians pending the final judgment in the case of

James v. the Personnel Policy Board. Therefore, at this time I have twenty-five funded positions to be filled.

At the time of the July 1974 report on the stipulation implementation, my Department reported sixty-two fluent bilingual workers. Our current report, excluding Mr. Bourquin, Miss Cumbo and Miss Salemme and the six EEA, CEFA and summer employees who are bilingual and in client contact positions, shows sixty-four bilingual workers. To date, of the ten additional all-purpose workers to be hired this past year there has been a net gain of two workers. My department will hire these eight and also fill the twelve vacancies for bilingual workers existing in July 1974 — a total of 20 positions. Since the report of July, 1975, a total of six interpreters have been hired (four in Hartford, one in Bridgeport and one in Norwich). With these hirings, there are now a total of sixteen positions to be filled to comply with the stipulation.

My plan for filling these positions is as follows:

1. *Interpreters — Two funded positions*

The two vacancies are in the Waterbury District Office. Efforts are being made to fill the vacancies from a certified list of eligibles. If this fails, there are two candidates who could assume these positions on a provisional basis. This will be done by September 1, 1975.

2. *Investigators — Thirteen funded positions*

Recruitment efforts are under way. Candidates are drawn from a Connecticut Careers Trainee civil service list. There currently is no way of knowing if a candidate is bilingual until an interview is held. There are 900 candidates on the list. The State Personnel Office is being asked to canvass this list for

bilingual workers so that my department may call such persons for an interview for a position.

3. Welfare Eligibility Technicians — Thirty-five funded positions

This list is due to expire September 3, 1975. It is my understanding that notwithstanding the Court action (which has to do with the validity of the test establishing this list) I will be able to hire for the position. If I do so by choosing persons who will qualify for the job and are currently in other positions in the Department such as clerical and welfare aide positions, there are currently fluent bilingual persons in these positions. Thus, I would then be able to hire clerical replacements from employment lists which at the present time attract the bilingual person. I feel this process will enable me to hire the remaining persons required by the stipulation. This action can take place in September 1975 unless additional court action prohibits me. I will notify you if I have to change my plans

In addition to the above actions, I wish to increase recruitment of bilingual workers' activities both in my department as well as in the State Personnel Department.

The State Personnel Department is responsible for recruitment in the way of posting of exam announcements and administering exams. Because much of the Department's recruiting over the next few months will be from the Connecticut Careers list, (Connecticut Careers Trainees and Investigators) the Department will ask the State Personnel Department to conduct major recruitment efforts among the Spanish community. A new Connecticut Careers Trainee examination is tentatively scheduled for October 4, 1975. The request for active recruitment will be submitted by August 15, 1975

The Social Services Personnel Director will be contacting Community organizations in major cities to publicize job opportunities with the Department. He will complete this effort by September 30, 1975 and will periodically follow-up on this effort.

On March 21, 1975 the Department requested of the State Personnel Department that the "Experience and Training" requirements for the Interpreter job classification be substantially reduced and that the exam be carefully reviewed for validity as insufficient numbers of candidates are passing the exam. As there has apparently been no action on the request, we will resubmit by August 15, 1975.

I wish to assure you that I will vigorously pursue the completion of fulfilling the commitments I have made and will keep you advised of my progress.

Sincerely,

EDWARD W. MAHER
Commissioner

EWM:cls

cc: Attorney Richard Hiller
Puerto Rican Legal Defense League

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STATE OF CONNECTICUT
STATE WELFARE DEPARTMENT
1000 ASYLUM AVENUE HARTFORD, CONNECTICUT 06115

OFFICE OF THE COMMISSIONER

March 29, 1974

Mr. John G. Bynoe
Regional Civil Rights Director
Region I
HEW
RKO General Building
Government Center
Boston, Massachusetts 02114

Dear Mr. Bynoe:

Re: Sanchez v. Norton: The Connecticut Welfare Department's Spanish-Speaking Capability

As a result of my meeting with personnel from your office on March 28, 1974, in which we discussed the above civil action at length, the Connecticut Welfare Department is making a final offer to HEW in order to reach an amicable settlement. We are making this offer keeping in mind the fact that our legal counsel is of the opinion that our department is required neither by the United States Constitution nor the Civil Rights Act to give bilingual services to welfare recipients.

We are willing to immediately seek to hire ten (10) additional all-purpose bilingual English-Spanish workers for our department. This will be accomplished by going through our WIN lists and requesting another Interpreter's exam to increase our Interpreter capability. If necessary, we will advertise any new Interpreter exam dates in the newspapers of our three largest cities.

We will also proceed to hire ten (10) additional workers in the Social Services. This will be done by immediately requesting the State Personnel Commissioner to request that the Social Worker Spanish-Speaking classification be put on the next agenda of the Personnel Policy Board, if this is humanly possible. We are also requesting new classifications for Case Worker I Spanish-Speaking and Case Worker II Spanish-Speaking. These positions will be for Protective Services, Children's Services and Preventive Services.

After these classifications have been established, we will actively seek candidates in the area colleges and schools of social work, in addition to those means usually used by the Personnel Department in filling Merit System positions.

We will also, starting in July 1975, annually review our Spanish-Speaking capability.

Because of the state of HEW's pleadings in this case, our counsel does not believe that you can withdraw from or settle this civil action. Therefore, in return for our offer, we would expect a letter from you to be in our hands by 9:00 a.m. April 8, 1974 stating that HEW is completely satisfied that the hiring of 10 more bilingual all-purpose workers and the hiring of 10 more bilingual workers in the Social fields gives the Connecticut State Welfare Department sufficient Spanish-Speaking capability to service their Spanish-Speaking recipients. Further, your letter shall state that your attorneys shall take no further active part in this law suit. By this we mean that they shall file no more papers, including briefs or memorandums of law, they will present no more discovery actions, they will cease all investigations pertinent to this civil action, and they will present no wit-

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nesses nor examine or cross-examine any witnesses if this case goes to trial.

We would greatly appreciate your prompt answer. Thank you for your anticipated cooperation.

Sincerely,

NICHOLAS NORTON
Commissioner

NN:mh

cc: R. Fulton
N. Fallon

(203) 566-2008

STATE OF CONNECTICUT

OFFICE OF THE ATTORNEY GENERAL
90 BRAINARD ROAD HARTFORD, CONNECTICUT 06114
Tel: 566-7070

CARL R. AJELLO, Attorney General

17 May 1976

Stephen Koplan
Attorney at Law
4133 Lenox Drive
Fairfax, Virginia 22030

Re: ADRIANA SANCHEZ, ET AL
v.
NICHOLAS NORTON, ET AL

Dear Attorney Koplan:

As per our telephone conversation of May 17, 1976 I stated that I hoped we could eliminate arithmetical questions on an appeal by seeing if it were possible to reach an agreement as to what was the proper base figure for fluent english-spanish all-purpose workers when the stipulation between HEW and CWD was filed June 10, 1974.

As I understand it, HEW believes the all-purpose figure to be 62, based solely on Commissioner Maher's covering letter of July 15, 1974 which accompanied the package, which is HEW Exhibit 1, to the Regional Office in Boston.

However, Miss Packard testified on April 27, 1976 that the figure 62 included 5 social workers doing social work. She also testified that they should not have been included in the 62 figure and that the base figure for all-purpose workers was 57. (See enclosed pages 11 and 12 of testimony of Caroline Packard on April 27, 1976).

The list of spanish-speaking employees sent to HEW in the July 1974 package bears out the truth of this testimony. I am enclosing a copy of that list, and you can see that the fluent english-spanish speaking social workers doing social work by district offices were as follows:

D.O. #1	Peter Mihaly	Protective Services
D.O. #2	Allan Cooper	Children's Services
	James McGinley	Children's Services
D.O. #3	Thomas Meehan	Children's Services
D.O. #8	Kathryn Duffy	Protective Services

Depositions were taken of Mihaly on January 16, 1974, Meehan on January 24, 1974, and Cooper on February 7, 1974 with either Attorney Passek and/or Allard present.

This figure is also consistent with Miss Packard's testimony (see pages 13 and 14 enclosed) that there were 5 fluent english-spanish social workers in Nicholas Norton's answers to plaintiffs' second set of interrogatories which were sworn to on June 5, 1974. See particularly answer 3 and exhibit 3 of those answers. If the base figure question cannot be comprised at 57 we will of course in our appeal claim the figure was 54 which is the true figure as set forth in Norton's answers.

The problem with using the figure 62 is that it follows then that there were no social workers doing social work when the stipulation was filed. This would mean that the Department of Social Services has the services of 14 new social workers from Children and Youth Services doing social work. In the testimony we only claim 9 new social workers

because we conceded that the department had 5 social workers as a base figure.

Very truly yours,

CARL R. AJELLO
Attorney General

By: FRANCIS J. MACGREGOR
Assistant Attorney General

FJM/lzb
Enclosures

cc: Honorable Robert C. Zampano

PACKARD — Redirect

THE COURT: There has been no offer. There is no motion pending before the Court.

MR. KOPLAN: I would say this is in evidence already, your Honor.

THE COURT: Well, all right.

MR. MACGREGOR: It's part of the package. We will agree.

THE COURT: Go ahead, show it to the witness.

Q. Showing you this, Miss Packard. Now, when you used a figure 62 all-purpose workers in your letter of August 15th that you helped the Commissioner prepare was it taken off of this list right here? A. Yes.

Q. Was the list that was used for the basis?
A. This is the list that was used.

Q. Are there 62 all-purpose workers on that list or are there other people? A. There are other people.

Q. All right. What are they? A. We have five social workers.

Q. All right. A. Doing social work.

Q. Those were social workers doing social work. Do you — by the way, are you a social worker trained as a social worker? A. Yes, I am.

Q. Did you teach it in college? A. Yes, I did.

Q. Now, would you consider these five people social workers doing social work? A. Yes, I would.

Q. Was that a mistake when you included that in the 62 count as all-purpose workers? A. Yes, it was.

Q. And — all right. Now, some of those people have left, is that right, and some of them have gone into DCYS?

A. That's right.

Q. So if you subtracted those five people from the 62, I would imagine, you'd come out with 57? A. That's right.

Q. All-purpose workers? A. That's right.

Q. Is that right? And at that time did you have an employee of the City of Stamford also on that list?

A. Yes, I did.

Q. And was that a person who was employed by the Welfare Department or merely doing contract work?

A. No. Doing work under contract.

Q. So if you eliminated that person — was not an employee of the State of Connecticut or the Welfare Depart-

ment — you would have a figure of 56, is that correct?

A. Fifty-six.

Q. Now, did I show you, when we — when you and I and the Commissioner met — Commissioner Nicholas Norton, the defendant — Nicholas Norton's answers to the plaintiffs' second set of interrogatories? A. You did.

Q. You have a copy of that with you? A. Yes — no. I didn't bring that up.

Q. Well, let me show you — A. Wait a minute. Here it is. Here it is. I have it.

Q. Okay. By the way, have you ever seen that until just before we had our meeting? A. That's right. I only saw this recently.

Q. And who had that originally, do you know?

A. I understand that Theresa Connell, who had worked on the figures at that time, had it in a file.

Q. And she was the one you testified to was handling these figures originally when Mr. Norton's Commissioner, is that correct? A. That's right.

Q. Now, drawing your attention to — on the second page of that, and it's Question 3 and Answer 3 — A. Yes.

Q. — at that time did they have what the total — the total number of employees classified as fluent Spanish speaking examiners as of March 31st, 1974? A. It has 59.

Q. Fifty-nine. All right. And did you look at the exhibit that's attached to it? It refers to an Exhibit 3, is that correct? A. Yes.

Q. And looking at that Exhibit 3, how many social workers in Protective Services and in — and in Childrens' Services are listed? A. There are five social workers listed.

Q. So that would have been — if that figure were the basis of this stipulation and you took those five off, what — what would your figure be? A. That would be 55.

Q. Five from 59? A. Fifty-four. Excuse me.

Q. And by the way, does your answer show when Mr. Norton signed that? A. The 5th day of June, 1974.

Q. Do you keep a running count of how many bilingual workers you have every single day?

SK:saa

June 14, 1976

DJ 171-14-1

Honorable Francis J. MacGregor
Assistant Attorney General
State of Connecticut
Office of the Attorney General
90 Brainard Road
Hartford, Connecticut 06114

Re: Adriana Sanchez v. Nicholas Norton, Civil Action
No. 15,732

Dear Mr. MacGregor:

This is in response to your letter concerning your desired recomputation of your 1974 base figure for bilingual all-purpose workers.

It is my understanding that you wish to reduce your opening base figure from 62 to 57 because the State "mistakenly" included Peter Mihaly, Allan Cooper, James McGinley, Thomas Meehan and Kathryn Duffie as part of its original count. First, there has been admitted into evidence as an integral part of HEW Exhibit 8, a list of the sixty-two (62) persons who comprised the 1974 base figure. James McGinley was *not* included as one of the sixty-two (62) and therefore, must be excluded from consideration. A copy of HEW Exhibit 8 is attached for your convenience. Excluding McGinley and assuming we accept your mathematical recomputation on the all-purpose side (reducing the opening base figure from 62 to 58), it would mean that correspondingly the ten (10) "additional" professional workers called for by the 1974 HEW-CWD Stipulation would now be added to an opening base figure that consists of the four (4) remaining persons named above that you are eliminating from the all-purpose side.

Simply put, you must maintain resultantly fourteen (14) bilingual professionals (a point conceded in the last sentence of your May 17, 1976 letter) and eighty (80) all-purpose workers. Except with respect to Cumbo, Bourquin, Adams, Rivero and Belanian, you will need to conform with the Court's instructions as they appear at page 26 of the transcript (a copy of that page is attached for your convenience).

It is the intention of both HEW and the private plaintiffs to accede to your request and unless we hear to the contrary from you, an appropriate order will be prepared for the Court's approval reflecting the modified base figures as discussed in this letter.

Sincerely,

STEPHEN KOPLAN
Chief, Federal Programs Section
Civil Rights Division

cc: Honorable Robert C. Zampano
United States District Judge
United States Court House
New Haven, Connecticut

Richard J. Hiller, Esq.
Puerto Rican Legal Defense Fund
95 Madison Avenue
New York, New York 10016

Samuel C. Fish
Regional Attorney (HEW)

**ALL-PURPOSE BILINGUAL EMPLOYEES/DEPARTMENT OF SOCIAL SERVICES
(FORMERLY STATE WELFARE DEPARTMENT)**

1974 (HEW Ex. 1)	D.O. #*	1975 (HEW Ex. 2)	D.O. #	1976 (CWD Ex. A)	D.O. #
1. Alice Duey	1	Alice Duey	1	Alice Duey	1
2. Elsa Martin	1	Elsa (Martin) Belaleazer	1	Elsa (Martin) Belaleazer	1
3. Carlos Rodriguez	1	Carlos Rodriguez	1	Carlos Rodriguez	1
4. Alejandro Crespo	1	Alejandro Crespo	1	Alejandro Crespo	1
5. Rosemary Zevallos	1	Rosemary Zevallos	1	Rosemary Zevallos	1
6. Cecilia Alvarado	1	Cecilia Alvarado	1	Cecilia Alvarado	1
7. Luis Goritz	1	Luis Goritz	1	Luis Goritz	1
8. Hortensia Owens	1	Hortensia Owens	1	Hortensia Owens	1
9. Gloria Rivera	1	Gloria Rivera	1	Gloria Rivera	1
10. Carmen Perez	1	Carmen Perez	1	Carmen Perez	1
11. Benedicta Sanchez	1	Benedicta Sanchez	1	Benedicta Sanchez	1
12. Maxine Adams	1	Maxine Adams	1	Maxine Adams	1
13. Maria Costa**	1	Maria Acosta	1	Maria Acosta	1
14. Iris Irizarry	1	Iris Irizarry	1	Iris Irizarry	1
15. Maria Maisonet	1	Maria Maisonet	1	Maria Maisonet	1

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* District Office No.

** It is assumed that Maria Costa and Acosta are the same person since her classification, assignment, location, and district are the same in 1974-1976, inc.

1974 (HEW Ex. 1)	D.O. #*	1975 (HEW Ex. 2)	D.O. #	1976 (CWD Ex. A)	D.O. #
16. Lydia De Jesus	1	Lydia De Jesus	1	Lydia De Jesus	1
17. Maria Hernandez	2	Maria Hernandez	2	Maria Hernandez	2
18. Edith Vasquez	2	Edith Vasquez	2	Edith Vasquez	2
19. Rita Ruetter	2	Rita Ruetter	2	Rita Ruetter	2
20. John Caruso	2	John Caruso	2	John Caruso	2
21. Gloria Suarez	2	Gloria Suarez	2	Gloria Suarez	2
22. Maria Dukes	2	Maria Dukes	2	Maria Dukes	2
23. Eleina Garzon	2	Elcira Garzon	2	Elcira Garzon	2
24. Isabel C. Lynch	2	Isabel C. Lynch	2	Isabel C. Lynch	2
25. James Byington	3	James Byington	3	James Byington	3
26. Joan Davidson	3	Joan Davidson	3	Joan Davidson	3
27. Lillian Schneider	3	Lillian Schneider	3	Lillian Schneider	3
28. Yolanda Spuchesi	3	Yolanda Spuchesi	3	Yolanda Spuchesi	3
29. Irene Cary	3	Irene Cary	3	Irene Cary	3
30. Rosaura Serrano	3	Rosaura Serrano	3	Rosaura Serrano	3
31. Carmen Aponte	3	Carmen Aponte	3	Carmen Aponte	3
32. Juana Lucena	3	Juana Lucena	3	Juana Lucena	3
33. Harold Logan	3	Harold Logan	3	Harold Logan	3
34. Albert Weiss	4	Albert Weiss	4	Albert Weiss	4
35. Maria Chifari	6	Maria Chifari	6	Maria Chifari	6

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1974 (HEW Ex. 1)	D.O. #*	1975 (HEW Ex. 2)	D.O. #	1976 (CW Ex. A)	D.O. #
36. Jeanette Pacheco	6	Jeanette Pacheco	6	Jeanette Pacheco	6
37. Linda Johnson	7	Linda Johnson	7	Linda Johnson***	C.O.
38. Susan Calabro	1	Susan (Calabro) Brown	1	Juana Muniz	3
39. Carlos Rivera	1	Carlos Rivera	1	Rochelle Bedo	1
40. Daphne Walker	1	Daphne (Walker) Morales	1	Linda Bantell	1
41. Josepha Oyler	1	Josepha Oyler	1	William Melley	1
42. Allan Cooper	2	Allan Cooper	2	Dale Eberhart	1
43. Lynn Golbach	7	Lynn Golbach	7	Joan Burke	1
44. Candida Santiago	8	Candida Santiago	8	Shirley De Flavis	4
45. Peter Mihaly	1	Marina Boisvert	1	Marina Boisvert	1
46. Vincent Amodeo	1	Eleanor Kooby	1	Eleanor Kooby	1
47. James McGinley	2	Ida Colon	1	Ida Colon	1
48. Anthony Forcelli	3	Peggy Chardon	2	Peggy Chardon	2
49. Alan Dabyaka	3	Maria Dukes	2	Maria Dukes	2
50. Dominga Rivera	4	Estella Ortiz	3	Estella Ortiz	3
51. Lillian Fletcher	7	Ruben Curnow	3	Ruben Curnow	3
52. Judith Perrine	7	Aglae Fraguada	3	Aglae Fraguada	3
53. Emily LeMay	7	Irma Robledo	3	Irma Robledo	3

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*** This person is listed as being in Middletown, Conn. in '74-'76, inc. Testimony at 4-19-76 hearing was that she still has client contacts in the Department of Social Services. Thus, she is counted as all-purpose bilingual in 1976 although technically shown as being assigned to the Central Office.

1974 (HEW Ex. 1)	D.O. #*	1975 (HEW Ex. 2)	D.O. #	1976 (CWD Ex. A)	D.O. #
54. Barbara Cenci	7	Esther Garcia	3	Esther Garcia	3
55. Jose Melendez	7	Miriam Sanforienzo	3	Miriam Sanforienzo	3
56. Sylvia Kramer	8	Virginia Marquez	4	Virginia Marquez	4
57. Thomas Agramonte	1	Michele Swanson	7	Michele Swanson	7
58. Luis Gontz	1	Elba Sanchez	7	Elba Sanchez	7
59. Thomas Meehan	3	Cynthia Nickse	1	Paula Giovanelli	4
60. Luz Miranda	3	Gladys Sitka	1	Anne Sheedy	4
61. David Bruno	6	Raquel Camacho	1	Stanley Blocker	4
62. Kathryn A. Duffie	8	Richard Caneschi	2	Anthony Cofranesco	3
63.		Juana Figueroa	3	Manuel Cuevaz	6
64.		Dominic Cannetto	4	Cullen Dowd	6
65.				Deborah Papalla	7
66.				Olga Fibbish	8
67.				Linda Mahan	8

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SK:gds
DJ 171-14-1

June 14, 1976

Honorable Francis J. MacGregor
Assistant Attorney General
State of Connecticut
Office of the Attorney General
90 Brainard Road
Hartford, Connecticut 06114

Dear Mr. MacGregor:

This amends my earlier letter to you of this same date at which time I mistakenly took the position that James McGinley was *not* included as one of the sixty-two (62) persons who comprised the 1974 base figure for all-purpose workers.

In fact, Mr. McGinley was included and, therefore, the State must maintain a total of fifteen (15) bilingual professionals and a total of seventy-nine (79) all-purpose bilingual workers (cf. my letter, 6-14-76, page 2, "1").

Sincerely,

STEPHEN KOPLAN
Chief, Federal Programs Section
Civil Rights Division

cc: Honorable Robert C. Zampano
Richard J. Hiller, Esquire
Samuel C. Fish, Esquire

STATE OF CONNECTICUT

CARL R. AJELLO, *Attorney General*

OFFICE OF THE ATTORNEY GENERAL

90 Brainard Road Hartford 06114

(203) 566-7070

June 17, 1976

Stephen Koplan, Esq.
Chief, Federal Programs Section
Civil Rights Division
United States Department of Justice
Washington, D.C. 20530

Re: *Adriana Sanchez v. Nicholas Norton*
Civil Action No.: 15,732
SK:sas DJ 171-14-1

Dear Attorney Koplan:

I have received your two letters, both dated June 14, 1976, in which it appears that the parties will agree that the base figures for the Stipulation between HEW and CWD filed June 10, 1974 were as follows: 57 fluent English/Spanish-speaking All Purpose Workers and 5 fluent English/Spanish-speaking Social Workers doing social work.

Therefore, to fulfill the Stipulation as to the social workers, CWD would need to hire 10 more for a total of 15. The Court found, subject to affidavits of fluency, that CWD presently has 14 and, therefore, needs to hire one more.

As to the fluent All Purpose Social Workers, starting with the 57 base figure, it is CWD's claim that hiring 10 more to reach a total of 67 satisfies the Stipulation.

It is HEW's claim that starting with the 57 base figure, CWD must hire 10 plus fill any existing vacancies of which there were 12 on or about June 10, 1974, to reach a total of 79 All Purpose Workers. From the Court's remarks, it would appear that the Court agrees with this 79 figure.

As per our conversation of May 17, 1976, on the basis of this Agreement, CWD would not argue in any appeal that the All Purpose figure was 54 as testified to by Ms. Packard (transcript page 14). Therefore, any appeal, if one is taken by CWD, would be limited to whether or not the Stipulation contemplated the filling of vacancies.

Very truly yours,

CARL R. AJELLO
Attorney General

By: FRANCIS J. MACGREGOR
Assistant Attorney General

FJM/gk

cc: Richard J. Hiller, Esq.

April 3, 1974

Francis J. MacGregor, Esq.
Assistant Attorney General
State of Connecticut
90 Brainard Road
Hartford, Connecticut 06114

Re: *Sanchez v. Norton* (D. Conn.)
C.A. No. 15,732

Dear Mr. MacGregor:

This is in furtherance of our telephone conversation of April 2, 1974, concerning Commissioner Norton's letter dated March 29, 1974.

We have been authorized to advise you that Commissioner Norton's settlement offer is generally acceptable with the following qualifications:

1. the ten additional workers in the Social Services he has agreed to hire are to be professionals and not interpreters or aides; (we understand this to be his intention as evidenced by his deposition testimony of February 5, 1974, at p. 6).
2. should the State Welfare Department determine at a later date that additional Spanish-speaking capability is necessary, the Department will make its best efforts to augment its Spanish-speaking capability to meet the additional need.
3. the Connecticut Welfare Department will submit to HEW all material obtained as the result of its review of its Spanish-speaking capability.

We will present to you at the Pre-Trial Conference on April 8, 1974, the details of the information HEW requires to

carry out its monitoring responsibilities mandated by Title VI of the Civil Rights Act of 1964.

With respect to the portion of Commissioner Norton's letter regarding the further participation in this lawsuit by HEW's attorneys, we are in agreement so long as it is understood that he is referring only to legal activities in opposition to the Connecticut Welfare Department. HEW is a party to this lawsuit regardless of any agreement reached with the State Welfare Department and, consequently, must take whatever legal steps are necessary to defend itself against the allegation by plaintiffs that HEW has violated Title VI.

We look forward to a final resolution of the matter as between the Connecticut Welfare Department and HEW at the upcoming Pre-Trial Conference and anticipate that a written Memorandum of Understanding can be signed at that time.

Sincerely,

STEPHEN P. PASSEK
Attorney, Federal Program Section
Civil Rights Division

cc: Nicholas Norton
St. John Barrett
Martin H. Gerry

Deposition of Nicholas Norton, page 6 (2-4-74)

Q. Do you have any opinion at the present time how many additional Spanish-speaking employees are needed by the Connecticut Welfare Department? A. It is my impression that we have an approximate need of ten general purpose workers in various capacities and additionally for approximately ten Social Workers with a Spanish-speaking capability.

Transcript, page 28 (4-19-76)

MR. KOPLAN: Just to make the record complete, as I understand the law of the case, unless there is some particular provision that Mr. MacGregor is going to point to within the four corners of that stipulation that to him is ambiguous, the document speaks for itself.

Transcript, page 29 (4-19-76)

Q. Mr. MacGregor, who prepared the stipulation that was filed in Court? A. It was given to me by attorneys for Health, Education & Welfare. It was not prepared by any attorney for the Defendant Norton.

Transcript, page 37 (4-19-76)

Q. Apparently the letter that was introduced this morning was by Mr. Maher, was in the same understanding you had as far as Commissioner Norton was concerned? A. Mr. Maher was not with the department He didn't come into the department until sometime in February of 1975, and the stipulation was as of June 10, 1974.

Q. Was this filling of vacancies plus hiring ten additional employees discussed with Commissioner Norton before the stipulation was signed and filed? A. No, we never discussed it and in his letter, Exhibit 4, HEW Exhibit 4, he never

discussed vacancies and I could find no letters from Mr. Norton before June, 1974, in which he discussed they would hire ten more all-purpose workers plus fill vacancies.

I can't find anything in my file.

Transcript, pages 39, 40 (4-19-76)

Q. Mr. Norton was then the Commissioner at the time of the signing of the stipulation. Do you know of your own knowledge whether or not Commissioner Norton ever wrote to HEW or whether they talked in your presence in reference to the understanding as to the stipulation they should hire ten additional all-purpose as well as fill the vacancies?

MR. KOPLAN: This is a continuing objection, calling for hearsay.

A. I can find —

THE COURT: Just a minute. It asks if he was present when Commissioner Norton spoke to HEW officials.

A. I was present at, I think, two or three meetings where Mr. Norton discussed the hiring of bilingual employees with representatives from HEW. I never heard of the question of vacancies arising during the time I was at those meetings. I can find no letters from Mr. Norton to HEW in my file in which he discusses —

THE COURT: Mr. MacGregor, if vacancies were intended, that is, as part of the ten to be filled — or, let me put it another way — if vacancies were to be considered in determining whether there was compliance of ten, would it not follow the day the night, that vacancies would have been discussed at these meetings?

THE WITNESS: It would have been and it would be in the stipulation, your Honor.

THE COURT: I didn't ask you that. I asked you: Wouldn't it follow that at all these meetings vacancies would have been discussed and the reason they weren't discussed is because nobody even assumed they were part of the deal?

THE WITNESS: I am saying in the meetings I attended, it was never discussed.

THE COURT: I am saying, doesn't that indicate that vacancies should not have been considered under the stipulation because if vacancies were considered part of the stipulation, obviously, they would have been discussed?

THE WITNESS: I think they would have been, your Honor.

Transcript pages 41, 42 (4-19-76)

THE COURT: Ordinarily, I would permit cross-examination, but I have stated for the record the only purpose of this was to permit the State of Connecticut to make an offer of proof for another forum. The Court is just absolutely satisfied that the movant's interpretation of the stipulation is a correct one, and Commissioner Maher's interpretation is a correct one, and I really see no purpose in pursuing that avenue any further.

I think the record is clear on how I base my conclusion and, of course, I refer not only to oral arguments, but also to the moving papers.

Transcript, page 156 (4-27-76)

BY MR. MacGREGOR:

Q. How long haave you held the position as Commissioner of the Department of Social Services? A. Approximately one year and three months.

Q. So that would mean you came in in February of 1975?

A. That's correct.

Q. Were you ever employed by the Department of Social Services — and I believe it was formerly known as the Connecticut Welfare Department before — in any capacity at all? A. No.

Q. And when you were — when you became the Commissioner, was the Connecticut Legislature in session?

Transcript, page 157 (4-27-76)

Maher — cross

A. Yes.

Q. And did you have to spend a considerable time dealing with the Legislature and familiarizing yourself with the department and staff from the time of your appointment up and through into the summer of 1975? A. Yes.

Q. Did you have time to familiarize yourself with every single lawsuit that that department was involved in in federal court? A. Not in detail. I think I asked for a report from the Attorney General's office within a month after I arrived on the job, but I wouldn't characterize that as familiarity.

Q. These would be just a couple of sentences relaying what the case was about, is that right? A. That's correct.

Q. When did you first become familiar with the case of Sanchez versus Norton? A. In the summer of 1975.

Transcript, pages 160, 161 (4-27-76)

Q. And after this letter was sent, did you have a meeting at any time with Health, Education and Welfare and any attorney from the Justice Department? A. Yes, I did.

Q. And you recall the date of that letter? A. I refreshed my mind on it by the correspondence that it was July 18th, 1975.

Q. And was your attorney present when this meeting was held? A. No.

Q. And did you discuss this coming meeting with your counsel? A. No, I did not.

Transcript, pages 161, 162 (4-27-76)

Q. Now, at that time, did Health, Education and Welfare raise a question that you had not complied with the stipulation? A. Yes, they did.

Q. And was that the first time that you had any knowledge that somebody thought that you had not complied with the stipulation? A. Yes, it was.

Q. Did they tell you why they thought you hadn't complied with the stipulation? A. Yes. There were a number of reasons offered. The ones that I recall at the moment is that there was some question about the legitimacy of counting CETA positions and EEA positions and perhaps some other differences in statistical interpretation of filling the vacancies. I don't recall the full content of their argument.

Q. Was one of the claims — and I think you refer to it in your letter of August 15th — made by Health, Education and Welfare — that not only did you have to hire ten additional all-purpose workers, you also had to fill any vacancies existing as of the date of the stipulation? A. Yes. I think I just said that was — that was part of the argument advanced.

Q. Had you ever read the stipulation that was filed on June 10th, 1974 before this meeting of July 18th? A. No, I hadn't.

Transcript, pages 163, 164, 165 (4-27-76)

BY MR. MacGREGOR:

Q. Had you ever discussed the stipulation with your counsel or with your predecessor, Mr. Norton before July 18th, 1975? A. No.

Q. Had you ever read the Defendant Nicholas Norton's answers to the plaintiffs' second request for interrogatories that were sworn to by Commissioner Norton on June 5th, 1974, at any time before the July meeting? A. No.

Q. And you have said that HEW at the time of that meeting said you could not count CETA or EEA employees, is that right? A. Yes.

Q. Do you know who from Health, Education and Welfare told you that? A. No, I don't recall any of the participants by name. I know that there was a representative of HEW, program representative, council, and representative of the Department of Justice, and that's the extent of my recollection.

Q. Now, you wrote a letter after this meeting, did you?
A. I did.

Q. And was that the meeting — the letter of August 15th, 1975? A. Yes, it is.

Transcript, pages 165, 166 (4-27-76)

Q. Now, if, in fact, it were shown to you that the language of the stipulation — the exact language of the stipulation — contained no language at all, plus fill any vacancies, any place in the stipulation, but only stated that you would fill a total of ten all-purpose workers, you'd hire a ten — a total of ten all-purpose workers, do you believe that you had

fulfilled the department's obligation under the stipulation by hiring ten all-purpose workers over and above the base figure of all-purpose workers as its was known by the parties when they signed the stipulation that was filed in court on June 10th, 1974? A. Yes.

Q. And the first paragraph, do you preface it with the fact that you really aren't familiar and were not familiar with the case of Sanchez versus Norton when you had this meeting with them without your counsel present? A. Yes.

Q. And when you wrote this letter, did you consult with your counsel? A. No, I did not.

Q. To find out if what HEW was — told you was his understanding of the stipulation? A. No.

Q. And before you wrote this letter, did you read the stipulation itself? A. No.

Q. When you wrote this letter, was its based on the fact that you took the word of HEW that the figures they were telling you was true? A. Yes, that's correct.

Q. In other words, they told you that the stipulation said vacancies had to be filled, and you believed them — A. Yes.

Q. — is that right? A. Yes.

Q. And you had no reason not to believe them, did you? A. That's correct.

Q. And when they told you that you couldn't consider CETA and EEA employees, you took their word that what they were saying is correct, is that right? A. Yes.

Transcript, pages 192-194 (4-27-76)

MR. MacGREGOR: Before I put Miss Packard on, I'd like to put Mr. Fisher on as a witness.

THE COURT: What can he testify to?

MR. MacGREGOR: Mr. Fisher and myself are probably the only two attorneys — and he is not a counsel of record, your Honor, he's HEW — that are familiar with this case from the beginning up till to date, we're the only two attorneys that are presently on the case that were involved in the case when the stipulation was filed.

I wanted to ask him some questions — and he was present at just about, I would say, every single meeting in which this stipulation was discussed, and he was present in every meeting they had with Mr. Maher, or Mr. Norton, before the stipulation was filed when what was going to go into it was discussed. And maybe we can agree that the questions I ask him he can answer, some of the questions I'm going to ask him is who prepared the stipulation. I think it's important.

MR. KOPLAN: I believe your Honor has ruled.

THE COURT: Yes, I've ruled.

MR. MacGREGOR: Can I ask what the offer of proof is, perhaps, for another forum?

THE COURT: Give me an offer of proof.

MR. MacGREGOR: The first questions I was going to ask him was — I already testified that HEW prepared this stipulation, and I am going to ask him — and the second thing I was going to ask him —

THE COURT: Why shouldn't the Court believe your testimony?

MR. MacGREGOR: All right. The second thing I was going to ask him, whether he knows whether Health, Education and Welfare had any written communication from Com-

missioner Norton before the stipulation was filed in which he said he understood that to comply with this stipulation, Connecticut Welfare Department would have to hire ten fluent, all-purpose workers, plus fill all vacancies. The reason I'm asking that, your Honor —

THE COURT: I thought you testified that no one ever mentioned vacancies?

MR. MacGREGOR: That's what I'm going to ask him. Was it ever discussed? It's our claim it never was. As far as I know, it never was, and I will tell you the reason, your Honor.

When defendant HEW filed their memorandum, they attached a whole bunch of documents. If your Honor bothers to peruse those documents, you'll see that they never raised a question of vacancies until five months and eleven days after the stipulation.

THE COURT: We've been over this.

MR. MacGREGOR: I realize that, your Honor.

THE COURT: The question is how significant is it when someone says ten additional hirings, excluding vacancies, or whether or not it is more significant that it wasn't said, "ten additional vacancies" —

MR. MacGREGOR: Period.

THE COURT: — ten additional workers, including vacancies. In my opinion, if vacancies were to be included, it would have had to be mentioned. But because it wasn't mentioned indicates that it wasn't part of the —

MR. MacGREGOR: That's right. I agree with you, your Honor, vacancies weren't considered.

THE COURT: So the ten additional workers beyond vacancies —

MR. KOPLAN: Judge, if we had accepted ten people at a time when there were twelve vacancies —

MR. MacGREGOR: Well, this is argument. I'm making an offer of proof. I don't think counsel —

MR. KOPLAN: That's ridiculous.

THE COURT: Just a minute. Mr. MacGregor, once in a while you throw in a jab on a thing I ruled on twenty minutes ago. I'm going to allow counsel, because I think it makes a lot of sense —

MR. MacGREGOR: Because I'm just trying —

THE COURT: — because if they were in court concerned about filling vacancies, they would only talk either about filling vacancies, or maybe one or two more, and I always remember counsel discussing twenty more, fifty more additional workers

MR. MacGREGOR: When? Though, your Honor —

THE COURT: Throughout the entire course of this litigation.

MR. MacGREGOR: Well —

THE COURT: Now, don't ask me any more questions. I've ruled.

MR. MacGREGOR: Your Honor, can I ask —

THE COURT: I don't want to hear anything more on the Court's ruling. I'm ordering counsel to stay away from that subject.